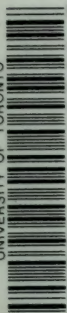
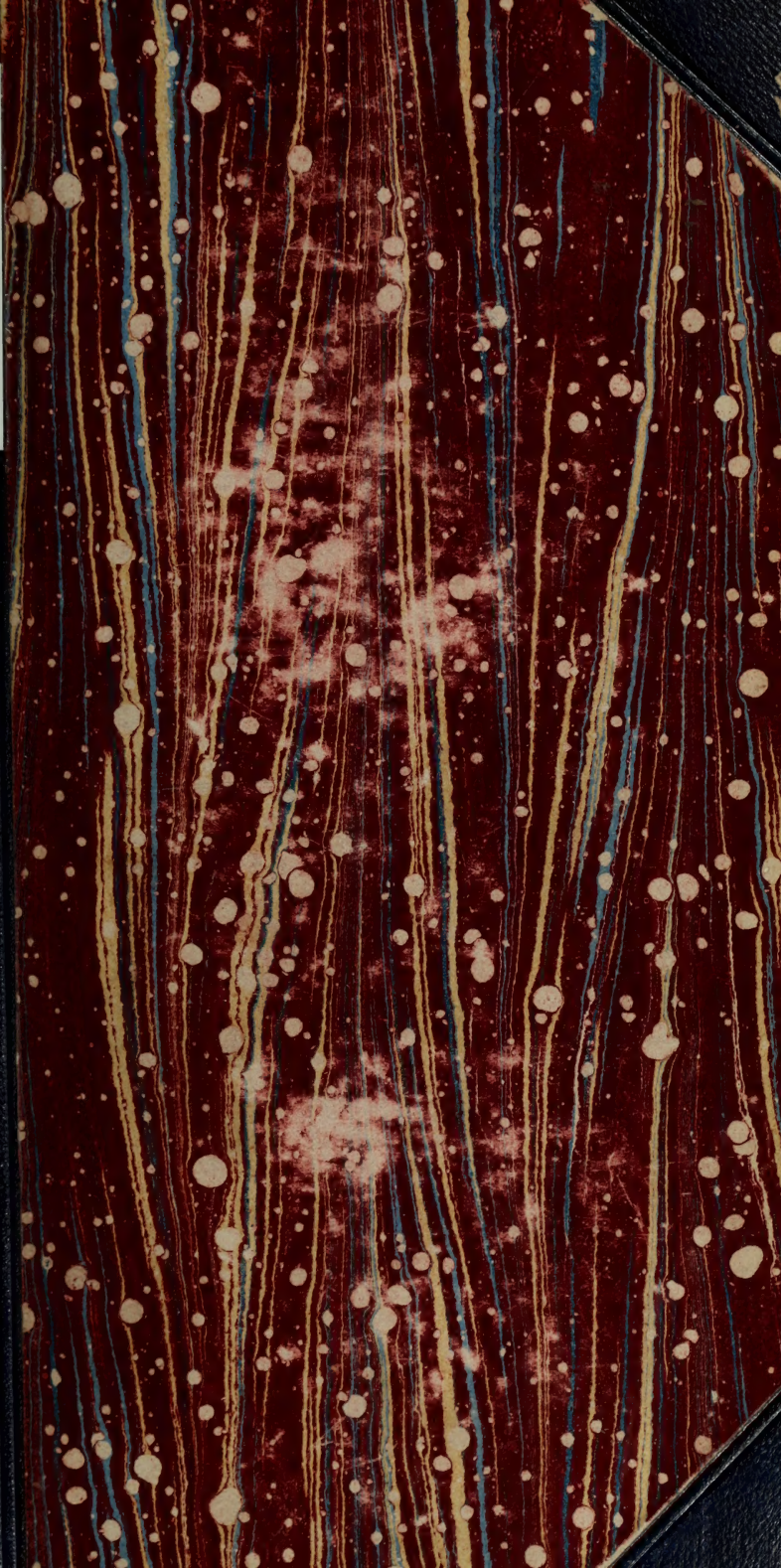


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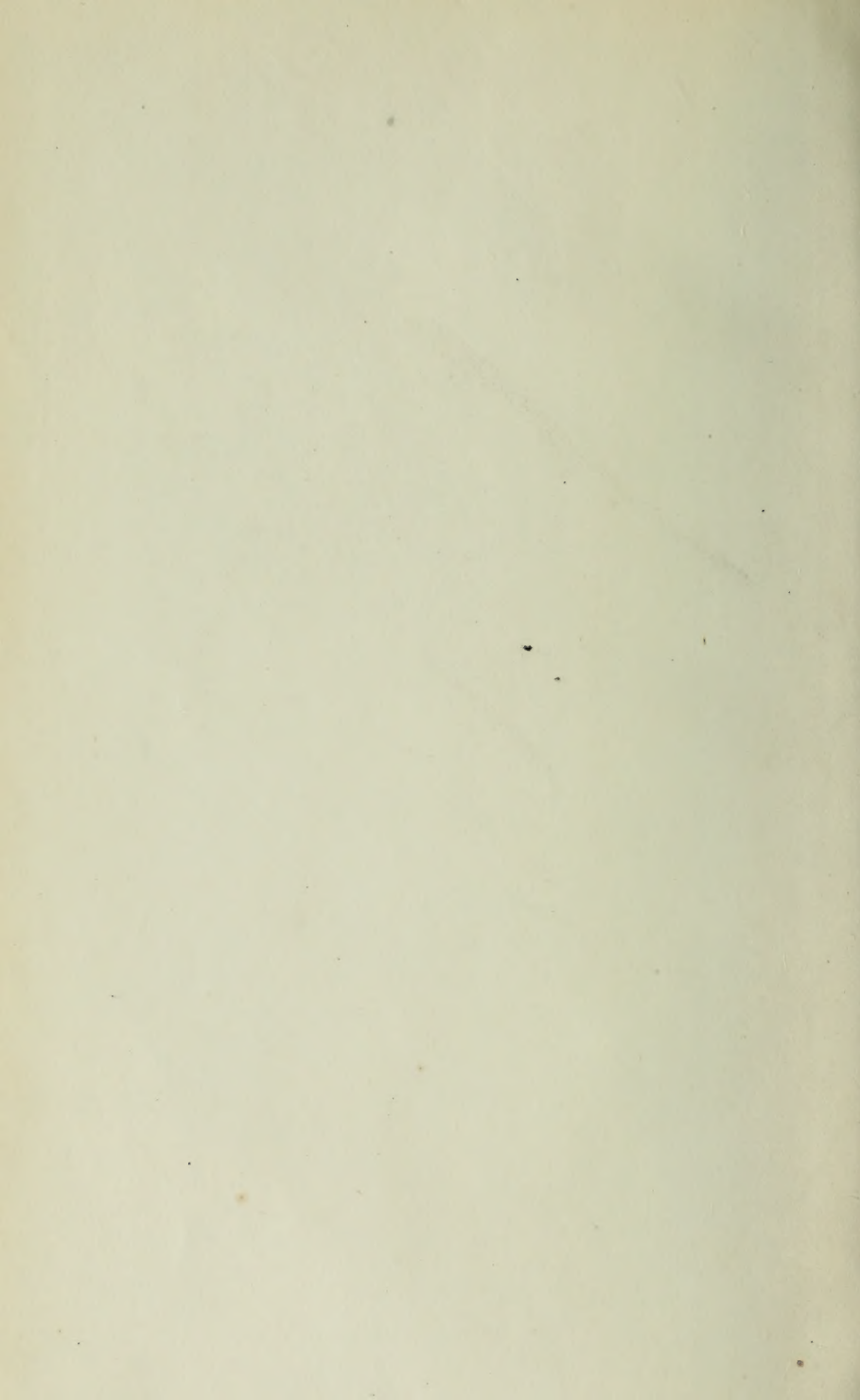
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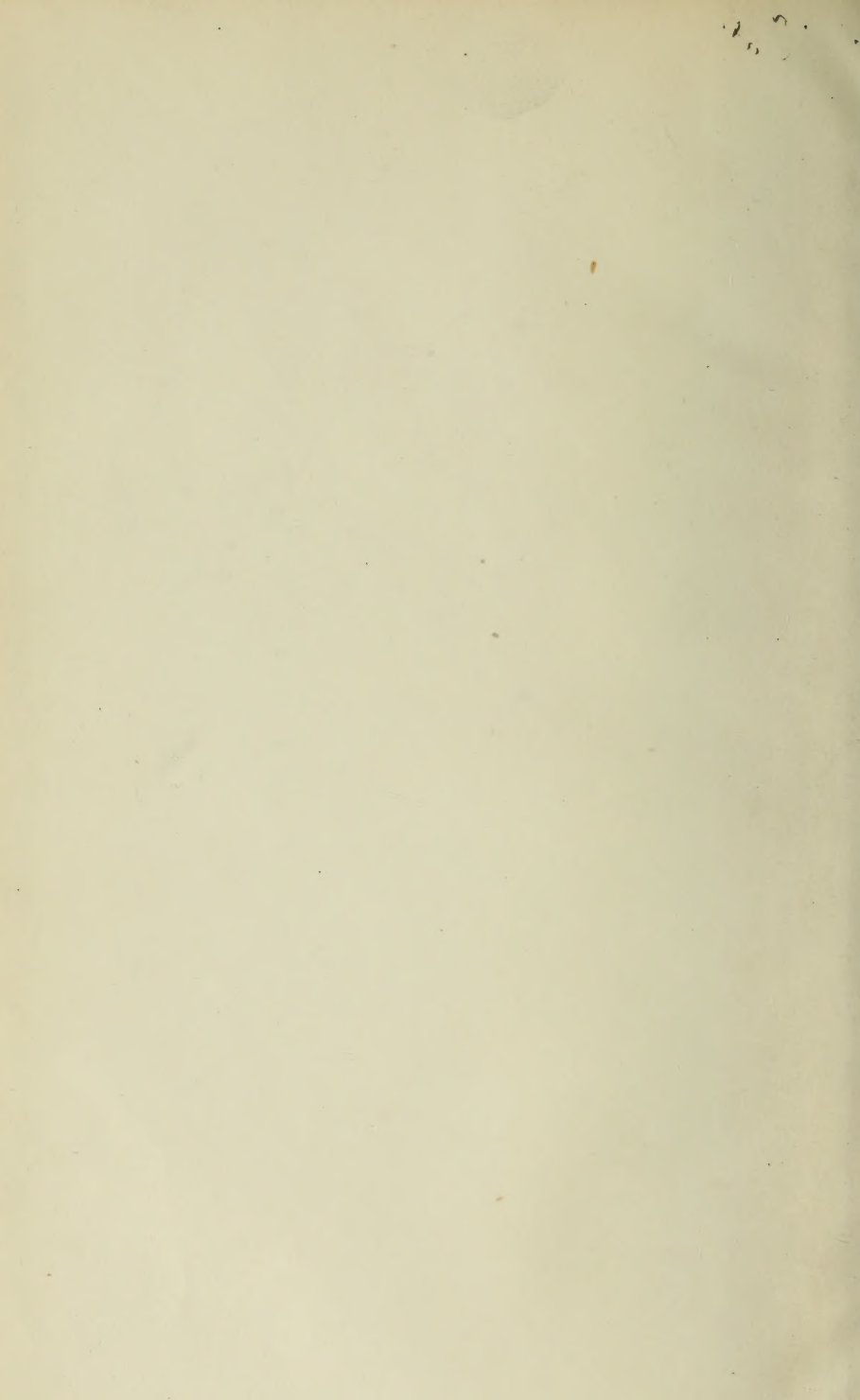








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HISTORY  
OF  
MERCHANT SHIPPING  
AND  
ANCIENT COMMERCE.

BY  
*William Schaw*  
W. S. LINDSAY.

IN FOUR VOLUMES.

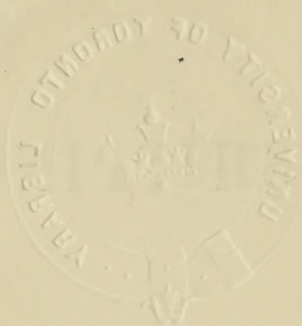
VOL. III.

With numerous Illustrations.

LONDON:  
SAMPSON LOW, MARSTON, LOW, AND SEARLE.  
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## PREFACE.

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ON publishing the first two volumes of this work, it was not my intention that the following volumes should be preceded by any preface. I have, however, been induced to reconsider this resolution, in order to acknowledge the ready assistance I have received from men of great experience, not only of this but of foreign countries. My first volume treats more especially of the antiquities of the mercantile marine, and closes with the sixteenth century. In the second, I trace the progress of maritime commerce down to about the close of the great French War (1815), when a new era dawned and a new state of things was inaugurated. Details, relating in an especial manner to this period, form the subject of my last two volumes—in one I treat of the Navigation Laws of Cromwell and of the causes which led to their abolition, together with the effects of their abolition; while the other is devoted, entirely, to the rise and progress of steam-ships and to the different branches of commerce in which they are engaged.

In order to render this portion of my labours valuable for the purpose of reference, I have sought

the aid of those best able to afford me trustworthy information, and to supply me with documents and tables of unquestionable authenticity.

To none am I more deeply indebted in this respect than to Mr. Farrer and others, of the Board of Trade, whose kindly promptitude I again acknowledge. For that part relating to France I have profited by the valuable aid of Mr. Michael Chevalier, who has not grudged the pains of carefully and critically revising the proofs of that portion of the work, and making many interesting additions to it.

Nor must I omit to record the readiness exhibited by Mr. R. B. Forbes, of Boston, United States, by Commodore Prebble, Commandant of the Philadelphia Dockyard, and by the Presidents of the New York and other American Chambers of Commerce, and to the United States authorities generally, in supplying me with official data with reference to the development of the maritime commerce of the United States.

To my own countrymen, whether Shipowners, Merchants, Shipbuilders, or Underwriters, my thanks are heartily due, and to the Directors and Managers of those large Shipping Companies which arose in the middle of the present century, both at home and abroad. And, in an especial manner I have to thank Mr. John Burns, of Glasgow (Cunard Company), Mr. Alfred Holt, of Liverpool, and Mr. B. Weymouth, the Secretary to 'Lloyd's Register.'

To enumerate all those who have so courteously and generously striven to forward the views of an historian whose only object has been to chronicle



facts and events, would be to give an undue extension to these prefatory remarks. I have, therefore, contented myself with acknowledging the sources of my information in foot-notes throughout my work; and I trust they will accept my thanks in the sense in which they are tendered.

In conclusion, I must refer to the kind attention paid to my request by Earl Russell, in revising that portion of my work which refers to the repeal of the Navigation Laws when he was First Minister of the Crown; and to other eminent Statesmen (two of whom have gone through the whole of the sheets of both volumes, making many valuable suggestions) for the approval expressed by them of the manner in which I have compressed the debates on these Laws which have now passed into the domain of history.

W. S. LINDSAY.

SHEPPERTON MANOR,

18th *January*, 1876.



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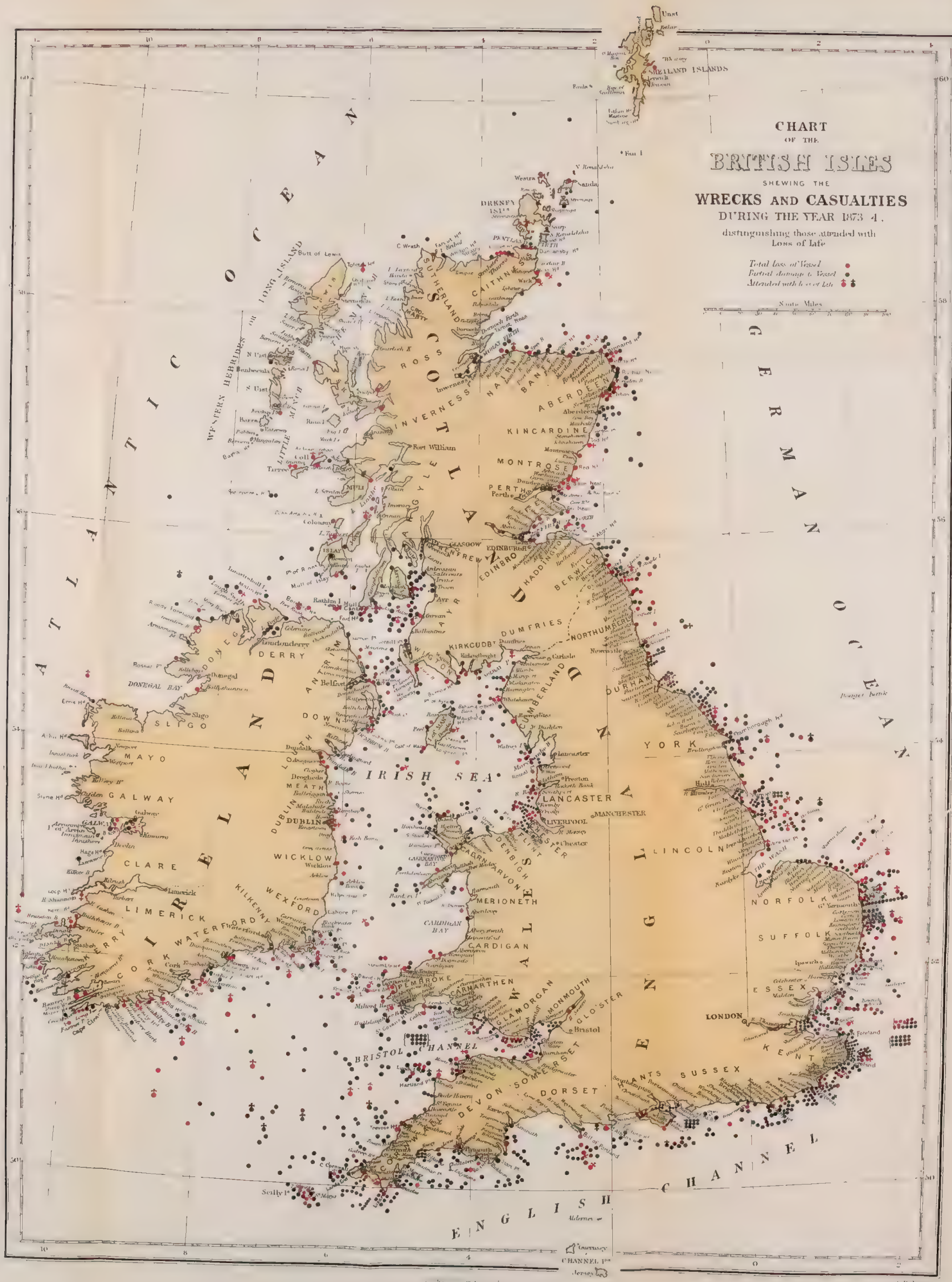


CHART  
OF THE  
**BRITISH ISLES**  
SHEWING THE  
**WRECKS AND CASUALTIES**  
DURING THE YEAR 1873-4.  
distinguishing those attended with  
Loss of Life

Total loss of Vessel  
Partial damage to Vessel  
Attended with loss of Life

Scale Miles

# MERCHANT SHIPPING.

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## CHAPTER I.

Progress of the United States of America—Their resources—Discriminating duties levied by France, 1820, against American ships—Rapid rise of New Orleans, and of New York—Boston ships extend their trade to India and China—Stephen Girard, the rich and eccentric American shipowner, *note*—Mercantile marine laws of the United States—Duties of master and mate—Provision for Seamen—Special Acts relating to them—Power given to American consuls to deal with seamen on their ships—Superiority of native American seamen, owing to their education—Excellent schools and early training for them—Spirit and character of the “Shipping Articles” as affecting the seamen—the owners—and the master or consignee—Conditions of wages, and remedies for their non-payment; and other securities for seamen—Power of Appeal by them to the Admiralty Courts—Laws with reference to pilots—Character of American seamen, and especially of the New Englanders.

PERHAPS no nation, in either ancient or modern times, ever made such prodigious strides in wealth, population, and power, and, necessarily, in commerce and navigation, as have the United States of America during the first half of the present century. Nor is this a matter for surprise. Practically, the American people had during that period started in life with the singular advantage, that they commenced their career with the accumulated wisdom of a long ancestry, with whom, unlike the nations of ancient times, they

Progress  
of the  
United  
States of  
America.



have continued to have the means of easy communication. Therefore, they had the capability of assuming, almost at once, an important position in the world, and of exercising no mean influence over its affairs, having few of those difficulties to encounter, which European nations, in their slow emergence from a state of political and intellectual darkness, have taken centuries to surmount.

Finding themselves in a safe geographical position, with the most magnificent harbours on every part of their coast, already prepared by the hand of nature for their use, with the greatest navigable rivers in the world, with lakes which are inland seas, and with boundless virgin soil at their disposal: wanting nothing, in short, but wise laws and abundant labour, they speedily discovered their strength, and, in their earlier debates, in Congress gravely discussed the question whether they should not style themselves the most enlightened people in the world.<sup>1</sup> Nor, indeed, was this boast altogether vain and baseless, for the Americans were in a position to adopt, as they might choose, the whole sum of human knowledge, with the power, at the same time, of applying this knowledge to the satisfaction of their varying wants.

Their resources.

Their capacity for government, in its application to commerce and navigation, equalled, if it did not surpass, that of the race whence they descended; and their system of education, the only true basis of a nation's greatness, far surpassed that of Great Britain; hence, in all diplomatic negotiations, relating either to their political independence or to their material

<sup>1</sup> See Alexander Baring's pamphlet, 1808.



interests, they have generally exhibited such marked tact, ability, and acuteness, as has enabled them frequently to obtain ample redress from foreign nations, and often, too, without that formal demand which, if not complied with, leads to war: from their example a few of our diplomatists, who reside abroad, would do well to take a lesson.

With these elements of knowledge, wealth, and national power, combined with a martial spirit, readily kindled into action whenever the necessity arose, the Americans, under an extremely liberal government, have rapidly and deservedly assumed a proud position among nations. Not the least interesting and instructive cause of their rise was the promptitude with which they developed, by the then best known means, their great natural resources, and none more so than their maritime commerce, for, within eighty years from their Declaration of Independence, they rivalled, and, indeed, surpassed in the amount of their merchant shipping, all other nations.<sup>1</sup>

Nor was that high position reached without innumerable difficulties in the shape of laws adverse to her interests. Great Britain excluded her ships from all her colonies; and, though France had ceded to her by treaty in 1803, for the sum of fifteen million dollars, the State of Louisiana, that country for many years afterwards continued to levy heavy differential duties on all goods imported into France in American bottoms, while American shipowners

Discriminating duties levied by France, 1820, against American ships.

<sup>1</sup> In 1860, the United States owned a larger amount of tonnage, including lake and river steamers, than the United Kingdom, and nearly as much as Great Britain and all her colonies and possessions combined.

had to contend at their port of export against the predominant interests of a country whose settlers for a long time greatly outnumbered the native Americans resident in New Orleans. Indeed, so late as 1820, a long memorial<sup>1</sup> was presented to Congress from twenty-four captains of American vessels then lying at New Orleans, stating that they "cannot earn a competent livelihood, owing to the fatal discriminating duties established in France in favour of its own vessels in the exclusive importation there of the staples of the United States." The memorialists<sup>2</sup> further alleged that on some articles the duty was "ten times" in favour of French vessels, and that the "aggregate importation in French vessels at the port of New Orleans exceeded very much in *quantity* the amount imported by American vessels;" being in the proportion of "nearly four to one." In confirmation of these statements the memorialists furnished a return from the Customs which demonstrated that the carrying trade between New Orleans and France was being then rapidly transferred from American to French vessels; and they stated that the only reason why the French did not absorb the whole trade, was that they had not a sufficient number of vessels to undertake it. The petitioners further insisted that nothing but "a positive tonnage duty," graduated according to the amount of the differential duties levied in France on the chief American staples, would avail to keep their trade in their own hands.

<sup>1</sup> State papers, America, 'Commerce and Navigation,' vol. ii. p. 413.

<sup>2</sup> The names appended to the petition are nearly all Anglo-Saxon, such as Rogers, Jones, Howard, &c.

Nevertheless, in spite of these hostile tariffs, and the war of retaliating duties which was for some time waged, New Orleans, from being the natural emporium of the vast tracts of country traversed by the Mississippi, Missouri, and their tributary streams, and enjoying, as it does, a greater command of internal navigation than any other city in either the Old or New World, has made since 1820 the most astounding strides in its maritime commerce.<sup>1</sup>

But in the face of equal difficulties as regards hostile tariffs, New York, through the great natural resources at her command, and other causes, surpassed New Orleans in the rapidity of its early commercial and maritime progress. Although its advancement during the first decade of the present century was scarcely equal to that of the preceding ten years, during which it enjoyed unexceptionable prosperity (no other city in the United States having profited so much, during the earlier periods, by the war in Europe), its merchants and shipowners suffered severely between 1806 and 1815 from the disastrous effects of captures, condemnations, and embargoes. Nor was it until 1825 that New York began to assume the importance which she has continued to maintain among the other commercial cities of the Union. In that year an internal element of prosperity was brought into operation by the construction of the Erie Canal, which opened for trade

<sup>1</sup> In 1818, the whole of the exports from New Orleans was only in value a little more than three million sterling; in 1850 it had reached thirty millions; the shipments of raw cotton alone in that year being 1,600,000 bales. During the year ending June 30, 1874, the exports of that article to *foreign countries* were 2,883,785 bales from the port of New Orleans alone.

the agricultural products of the fertile valley of the Tennessee, and the whole coasts of the northern lakes. The introduction of steam-navigation, to which I shall fully refer hereafter, affording greatly increased facilities for the conveyance of merchandise to and from New York by means of the numerous navigable rivers which intersected that and the neighbouring States, naturally gave an enormous impulse to its navigation, while the coal from the great Pennsylvania coal basin contributed essentially to its prosperity.<sup>1</sup>

Boston  
ships  
extend  
their trade  
to India  
and China.

Nor was the prosperity confined to New York. It extended for many years to all the ports of the Union. Boston, which, twenty years before the Declaration of Independence, was only a village containing about twenty houses, and, so late as 1822, was still governed by a body of "select men," according to the custom of New England [the people, till then, declining to adopt a municipal government], vied with New York in the Foreign Trade which had arisen, and early in the present century despatched

<sup>1</sup> In the year ending 30th September, 1822, the tonnage of American vessels entered inwards at New York was 217,538 tons, cleared 185,666, against 22,478, and 17,784 tons foreign vessels, respectively. But for the year ending June 30, 1874, the proportion of entrances at the Port of New York was: American vessels, 1,124,055 tons; foreign vessels, 3,925,563. The clearances were in somewhat the same proportion. The chief causes of these extraordinary changes will appear in the course of this work. In 1850, 2,632,788 tons of American shipping, and 1,728,214 tons of foreign shipping cleared from the ports of the United States. In 1860, the relative proportions were, native vessels, 6,165,924 tons: foreign, 2,624,005; but in 1871, while the clearances of American vessels had fallen to 3,982,852 tons, the clearances of foreign vessels from the ports of the United States had risen to 9,207,396 tons! I take these startling figures, which I wish my readers to bear in mind, from the United States' official reports, for history is of little value unless it teaches useful lessons.



their vessels on the most distant voyages. Indeed, so early as 1789, the merchants of Boston and Salem sent various ships direct to the East Indies and China, and, many years before the "Free Traders" of Great Britain could enter upon this trade, then monopolised by the ships of the East India Company, so far as regards Great Britain, the merchants<sup>1</sup> of Massachusetts supplied, not merely their own people with the bulk of the teas, spices, silks, sugar and coffee from the East as well as with nankeens and other cotton clothes, but reshipped them from Boston to Hamburg and the Northern ports of Europe in their own vessels, thus deriving large profits from a trade with our possessions, from which the great bulk of our ships were long excluded by the stringent restrictions of a pernicious monopoly.<sup>2</sup>

<sup>1</sup> Among the leading merchants of Boston and Salem then engaged in this lucrative trade may be mentioned the names of Russell, Derby, Cabot, Thorndike, Barrell, Brown, Perkins, Bryant, Sturgis, Higginson, Shaw, Lloyd, Lee, Preble, Peabody, Mason, Jones, and Gray. From 1786 to 1798, Thomas Russell was one of the most enterprising and successful merchants of Boston. His charities were extensive; he was a warm friend to the clergy, and a liberal supporter of all religious institutions. Curiously enough, a member of the families (by the father and mother's side), of Perkins and of Bryant and Sturgis (Russell Sturgis), now fills the place which Joshua Bates so long occupied as a leading partner in the house of Baring Brothers and Co., of London; Joshua Bates himself having first come to London as agent for Gray, the last name on the list I have given. Towards the close, however, of last century, Brown and Ives of Providence, Peabody of Salem, and T. H. Smith of New York, with Perkins and Co., and Bryant and Sturgis of Boston, carried on nearly all the trade with China.

<sup>2</sup> Though altogether unlike Mr. Russell and the other shipowners and merchants of Boston I have just named, I cannot omit to mention, in connexion with the early history of the Merchant Shipping of the United States, the name of Stephen Girard, one of the most prosperous and eccentric of men, who was long known as the "rich shipowner and banker of Philadelphia." Born near Bordeaux, in 1750, of obscure parents, he, at the age of ten or twelve years, embarked as a cabin boy,

Stephen Girard, the rich and eccentric American ship-owner.

Mercan-  
tile  
marine  
laws of the  
United  
States.

We have thus seen with what rapidity the Americans, in their early career, covered almost every ocean with their ships. As in other matters,

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with only a very limited knowledge of the elements of reading and writing, on a vessel bound for the West Indies. Thence he sailed in the service of an American shipmaster, to whom he had engaged himself, as an apprentice, for New York. He soon rose to be mate and master, and, after making a little money, he opened a small store in Philadelphia, and also carried on a shipping business with New Orleans and St. Domingo. At the latter place a tragical circumstance occurred strongly illustrative of the troubles of the time, but which contributed materially to swell Girard's fortune. It chanced that at the moment of the insurrection of St. Domingo, Girard had two vessels lying near the wharf in one of the ports of that island. On the sudden outbreak, the planters, instinctively rushed to the harbour and deposited their most valuable treasures in the ships then there for the purpose of safety; but returned themselves in order to collect more property. As the greater part of them were massacred, few remained to claim the property, and as a large portion of it had been deposited in Girard's vessels, for which no claims were made, he thus became its owner. In 1791 he commenced building a class of beautiful ships, long the pride of Philadelphia, for the trade with Calcutta and China—their names, however,—the *Montesquieu*, *Helvetius*, *Voltaire*, and *Rousseau*—too conspicuously reveal the religious dogmas of their owner. By judicious and successful operations in banking, combined with shipowning, Girard made so large a fortune that, in 1813, he was considered the wealthiest trader in the United States. It is told of him that when, in that year, one of his vessels with a cargo consisting of teas, nankeens, and silks from China, was seized on entering the Delaware, he ransomed her from the captors on the spot by a payment of \$93,000, paid in doubloons, and by this transaction added half a million of dollars to his fortune! But Girard, with all his wealth, ended his career without a friend or relative to soothe his declining years and close his eyes in death. His legacies were large and numerous, while the largest of them were characteristic of the man. Among these may be named his bequest of 208,000 acres of land and thirty slaves to the city of New Orleans, and other large tracts of land in Louisiana to the Corporation of Philadelphia. To the Commonwealth of Pennsylvania he gave \$30,000 for internal improvements; but the most extraordinary of his bequests was \$2,000,000, which he left for the erection of an orphan college at Philadelphia—a magnificent building—and the endowment of suitable instructors, requiring and enjoining, however, by his will, “that no ecclesiastic, missionary, or minister of any sect whatsoever shall ever hold or exercise any station

so in the rules and regulations drawn up for the internal management of their marine, they were able, at the commencement of their independence, to adopt from other nations such laws, even to their most minute details, as appeared to them the best fitted for their position. Thus, one of their earliest Acts, that of 1790, provides: that, "if a seaman is engaged without the execution of the shipping paper, the master or mariner shall pay to the seaman the highest wages that have been given within the three months next before the time of such shipping;" and the principle of this law has been long maintained, for the Act of 1840 declares that "any seaman so shipped may, at any time, leave the service, and demand the highest rate of wages given to any seaman shipped for the voyage." In the Bank and Cod-fisheries, the contract of seamen with the masters and owners is required to be in writing, expressing the general terms of the voyage; and in the Whale-fishery, though the shipping paper is not absolutely required by the law, there is still a regular engagement, generally in writing, stipulating, among other things, the terms of the voyage, and the shares or "lays" of each officer and seaman on board the ship.

The several modes in which seamen's contracts are executed, are the hiring by the month or by the voyage so long as it shall continue, or for a share of the profits, or of the freight earned in certain

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or duty whatever in the said college; nor shall any such person ever be admitted for any purpose, or as a visitor, within the premises appropriated to the purposes of the said college." Such was Stephen Girard, master and mariner.

Duties of  
master and  
mate.

voyages. The American law invests the master with the sole government of his ship and the absolute right of direction, subject to the legal consequences of any abuse of his powers. He may enforce his authority by the infliction of punishment upon the crew, but, should he exceed these limits, he is liable, by a Statute of the United States, to an action for damages in the Civil Courts, and to a criminal prosecution. The measure of punishment proportioned to the offence is to be ascertained by the special circumstances of the case; but all punishments must be inflicted with proper instruments. Hence, while the master has power to punish a seaman and to imprison him on board, to prevent a violation of the order and peace of the ship, he must be prepared to show that such measures were necessary.

The duties of mate, as laid down by the United States, resemble those of other countries. In the absence or death of the master he takes his place, exercising a general superintendence over the affairs of the ship. But his ordinary duties are confined to calling the attention of the master to everything requiring his notice, to the receipt and stowage of cargo, and to whatever is necessary for the proper equipment and sailing of the vessel while at sea. The mate is also required to keep the log-book, wherein he is bound to enter every matter of importance, such as the courses steered, the winds, and state of the weather, with many other minute details connected with the navigation of the ship. If he is guilty of such negligence as to involve the loss of his cargo, he alone is responsible; and if he



interferes with the responsibility of others he renders himself responsible. Thus, if he undertakes, while in harbour, the removal of any merchandise, resulting in loss, the amount may be deducted from his wages, it being the rule, that the wharfinger is responsible for the safe delivery of all goods on board the vessel.

The American law has, also, provided for the proper sustenance of seamen, by requiring that a certain amount of the provisions shipped be set apart for this purpose, and, further, that they shall be provided for during *bonâ fide* sicknesses occurring during the service of the ship, and not from the seamen's own fault, when absent occasionally or without express permission. All vessels bound for any ports beyond the limits of the United States are to be provided with a medicine chest. Provision, moreover, is made for sick and disabled seamen on shore, the law enjoining on the master or owner of every vessel the payment towards the maintenance of hospitals on shore, into the hands of the Collector of Customs of 20 cents per month for every seaman in their employ. This sum is deducted from the wages of the seamen, and is required from all seamen alike, whether in the coasting or oversea trades.

Provision  
for  
seamen.

Barratry committed by the master or mariner is treated as in England. Running away with or destroying the ship, mutiny, piracy, piratical confederacy, endeavouring to create a revolt, desertion, embezzlement, negligence, drunkenness, and disobedience, are all regarded as grave offences, and punished in a greater or less degree.

Special  
Acts re-  
lating to  
them.

By the Act of the 20th February, 1803, it was provided that the master of any merchant vessel, clearing for a foreign port, should enter into a bond in the sum of 400*l.* for the production of his crew at the first port at which he should arrive on his return to the United States, unless any one or more of the crew had been discharged in a foreign country, with the consent of the American consul or commercial agent of the United States, except in the case of death, of absconding, or of forcible impressment into some other service. This Act, likewise, provided that, when a vessel was sold abroad, and the crew discharged by mutual consent, the master should pay to the consul for any seaman thus discharged three months' wages over and above those he had earned up to the time of his discharge; two-thirds thereof to be paid to the seaman himself, on his engagement to return to the United States, and the remaining third to be retained towards a fund for the payment of the passages for seamen, citizens of the United States, who may be desirous of returning home; and for the maintenance of destitute American seamen resident at the port of discharge.

Power  
given to  
American  
consuls

Although many persons were of opinion that the Act of 1803, requiring, under the circumstances named, a payment of three months' extra wages, and empowering consuls to send seamen home, disabled or otherwise, "in the most reasonable manner," frequently led to improper expenditure, and that a more strict accountability, than then existed, ought to be enforced, these clauses remained unaltered until 1840, when their features were changed; consuls and commercial agents of the United States being

by the Act of the 20th July of that year invested with the power to discharge, when they thought it "expedient," any seaman, on the joint application of the master of the ship and the seaman himself, without requiring payment of any sum beyond the wages due at the time of discharge.

The Act, however, of 1840 created so many objections of another kind, that it became necessary, shortly afterwards, to make various alterations. It was felt that the discretion given to the consuls was likely to operate unfortunately for all parties concerned. Acting, as the consuls then very frequently did, in the double capacity of agent for the United States and consignee of the vessel, they were too often induced to gratify the wishes of the owner and master to the injury of the seaman. Consequently, either the American consular establishments had to be re-organised upon a more independent system, or the "expediency" clauses had to be abolished. But other and still more weighty reasons suggested the desirability of adopting the former course. While, at a later period, the discretionary power was abolished, except in cases of sickness and insubordination, arrangements were made to disconnect Government agencies entirely from commercial operations. Now, all consuls, who must be exclusively American citizens, are remunerated by fixed salaries, instead of fees as formerly, and are removed from the possibility of all interested connexion with shipowners and shipmasters; by being, in nearly every instance, as is now the case with the consuls of Great Britain, prohibited from carrying on business on their own account—at least

such business as can in any way interfere with their duties as consul.

to deal  
with  
seamen on  
their  
ships.

But it has been necessary also to make several other material alterations in the maritime laws. By the Act of 1790, it was provided that if any seaman deserted, or even absented himself for forty-eight hours without leave from his ship, he forfeited to the master or owner of the vessel all the wages due to him, and all his goods and chattels on board, or in any store where they were deposited at the time of such desertion or absence, besides other penalties. This forfeiture might be necessary or proper to check desertion ; but it was easy to see, that it was in the highest degree unwise, that it should be given for the use of the master or owner of the ship. It tended, indeed, to produce the very effect and mischief it was intended to prevent. Masters of American vessels, when nearing a port where a new crew could be shipped at reduced wages, and when in arrears to their seamen (a fact which often occurs in long whaling voyages), were apt to adopt a course of tyrannical conduct, with the desire of compelling desertion ; and, on their arrival, to permit their sailors a temporary absence from the ship, and then to leave them, under the plea of desertion, as a charge on the hands of the consul.

One flagrant instance was mentioned by the consul at Lima, of a supercargo of a vessel, who stated that he had saved in one voyage alone more than 1000 dollars by the desertion of his hands, as if this were a fair source of profit to either owner or master.

The simple entry in the log-book of the fact of absence or desertion was, then, deemed conclusive



against the seaman. Hence a very large sum was necessarily expended by the American Government in providing for destitute seamen. But this was partly attributable to the general increase of the United States commerce, and not altogether to the defective working of the law. While the aggregate amount of the registered tonnage of the United States in 1830 was about 576,000 tons, it had reached in 1840, 899,000, showing an increase of 323,000 in ten years,<sup>1</sup> but the increase of seamen applying for relief at distant consulates had at that time, it would seem, gone far beyond the general increase in the amount of shipping.

The whole question of the relations between the men and their employers, as they existed in the United States, is too wide a subject to be embraced in the present work. There are, however, some general, as well as special, points, both as regards the mariners and the law regulating their conduct, which deserve attention. During the first half of this century the masters of American vessels were, as a rule, greatly superior to those who held similar positions in English ships, arising in some measure from the limited education of the latter, which was not sufficient to qualify them for the higher grades of the merchant service. American ship-owners required of their masters not merely a knowledge of navigation and seamanship, but of commercial pursuits, the nature of exchanges, the art of correspondence, and a sufficient knowledge of business to qualify them to represent the interests of

<sup>1</sup> *Vide* Mr. Calhoun's report, 'Executive Documents,' 2nd Session, 28th Congress, Document No. 95. 1844-45.

their employers to advantage with merchants abroad. On all such matters the commanders of English ships, with the exception of the East India Company's, were at this period greatly inferior to the commanders of the United States vessels.

"Education," remarks Mr. Joseph T. Sherwood,<sup>1</sup> "is much prized by the citizens; many vessels, therefore, are commanded by gentlemen with a college education, and by those educated in high schools, who, on leaving those institutions, enter a merchant's counting-room for a limited time before they go to sea for practical seamanship, &c., or are entrusted by their parents, guardians, or friends, with the command of vessels."

Superiority of native American seamen, owing to their education.

In confirmation of this opinion, Mr. Consul Peter, of Philadelphia, states<sup>2</sup>: "A lad intended for the higher grades of the merchant service in this country, after having been at school for some years and acquired (in addition to the ordinary branches of school learning) a competent knowledge of Mathematics, Navigation, Ships' husbandry, and perhaps French, is generally apprenticed to some respectable merchant, in whose counting-house he remains two or three years, or at least until he becomes familiar with exchanges and such other commercial matters as may best qualify him to represent his principal in foreign countries. He is then sent to sea, generally in the capacity of second mate, from which he gradually rises to that of captain."

<sup>1</sup> Letter addressed by Mr. Sherwood, British Consul for Maine and New Hampshire, U.S., to Foreign Office, July 23, 1847, see Par. Paper, 'Commercial Marine of Great Britain, 1848,' p. 382.

<sup>2</sup> Papers relating to the Commercial Marine of Great Britain, 1848, p. 388.

Besides this, however, it must be remembered that American shipowners offered greater inducements than the English then did to young men of talent and education to enter the merchant service, as the amount of wages, alone, was two- and three-fold greater in the former than in the latter. Again, the American shipmasters were, also, almost invariably admitted, nay frequently solicited by the managing owners, to take some shares in the ships placed under their command; and, in cases, where the master had no capital, the owner often conveyed to him a share of one-sixth, and sometimes even one quarter, to be paid for out of his wages and the profits of the ships. Thus young men of good position and talent were led to enter the American merchant service, and had much greater inducements than they would then have had in Great Britain to take a zealous interest in the economy, discipline, and success of the ship they commanded; and this, not merely from the fact that they were well recommended, but from the confidential and courteous treatment they received from their employers. Captains of the larger class of packets or merchant-ships, therefore, could not only afford to live as gentlemen, but, if men of good character and fair manners (which they generally were), they were received into the best mercantile circles on shore. They were also allowed, besides their fixed salary, a percentage (usually  $2\frac{1}{2}$  per cent.) on all freights, and by various other privileges (particularly in relation to passengers) they were thus enabled to save money and to become, in time, merchants and shipowners on their own account, a custom which prevailed, to a large extent, in the New England States.

Excellent  
schools  
and early  
training  
for them.

Nor were the interests of the common seamen overlooked. Boys of all classes, when fit, had the privilege of entering the higher free schools, in which they could be educated for almost every profession. An ignorant American native seaman was, therefore, scarcely to be found; they all, with few exceptions, knew how to read, write, and cypher. Although, in all nations, a mariner is considered a citizen of the world, whose home is on the sea, and, as such, can enforce compensation for his labour in the Courts of any country, his contract being recognised by general jurisprudence, the cases of disputes between *native-born* Americans and their captains have ever been less frequent both in this country and abroad than between British masters and seamen, owing, in a great measure, to the superior education and the more rigorous discipline on board American vessels. In the United States, the master of the ship was, and is still, usually employed to hire the seamen; and although, in hiring, he is the agent of the owners (and they have co-ordinate power), still if they do not dissent, the engagement entered into by the master with the seamen is binding on the owners also. The contract is, however, not made with the person of the master, but with the shipowners; therefore, if there is no master, the seamen contract to sail under any master who may be appointed. Thus, on the one side of the contract is the seaman, and, on the other, the master or owner—the master acting as the owner's agent, under ordinary circumstances, although the owner, from his holding the property in the ship, is more directly affected by the contract.



The master and owner, on their side, agree by the contract, technically termed "Shipping Articles," which, if drawn up in the prescribed form and signed by all the seamen, expresses the conditions of the voyage, with a promise to pay to the mariners their stipulated wages. It is, also, implied in it that the voyage shall be legal, and the vessel provided with the various requisites for navigation; and, further, that it shall be within defined limits and without deviation, except such as may be absolutely necessary for the safety of the crew, vessel, or cargo. It is also a part of the contract that the seamen shall be treated with humanity, and be provided with subsistence according to the laws of their country; unless there is in it an express provision to the contrary, or a condition to conform with the usages of a particular trade.

The seaman, on his side, by the act of signing the "Shipping Articles," contracts to do all in his power for the welfare of the ship; engages that he has competent knowledge for the performance of the duties of the station for which he contracts; to be on board at the precise time which, by American law, constitutes a part of the articles; and to remain in the service of the ship till the voyage has been completed. If he does not so report himself on board the vessel, he may be apprehended and committed to the custody of the law till the ship is ready to sail. He contracts also to obey all the lawful commands of the master; to preserve order and discipline aboard, and to submit, as a child to its parent, for the purpose of securing such order and discipline during the voyage.<sup>1</sup>

<sup>1</sup> Act of 20th July, 1840, section 3, U.S. Acts, Boston Ed., vol. v. p. 394.

the  
owners ;

As in England, the owners have the right of removing a master, who is part owner of a vessel ; but, if he is removed without good cause, and while at the same time specially engaged, they are liable to him for damages. Where, however, he has only a general engagement with a vessel, his relation to the owners is scarcely more than a mere agency, revocable at any time. On the other hand, the master cannot leave the ship in which he has contracted to sail without being himself answerable to the owners.

The authority of a master over his ship is in all essential particulars the same as that prescribed by British law. With regard to letting the ship, the same principles prevail on both sides of the Atlantic.<sup>1</sup>

In general the owners are responsible for injuries committed by the master in that capacity, as in cases of collision, discharges of mariners, damages to cargo from want of ordinary care, and embezzlement. The master is answerable for all contracts made by him in connexion with the navigation of a ship, as also for all damages arising from his want of skill or care, and for repairs and supplies, except when furnished on the exclusive credit of the owner.

and the  
masters or  
con ignees.

If the master of a ship is at the same time commander and consignee, he stands in the twofold relation of agent of the owner and consignor, and is invested with appropriate duties in both capacities. Inasmuch as the master and owner are in the eyes of the American law common carriers, it is the master's duty to see that his vessel is seaworthy and provided

<sup>1</sup> For some very nice points of distinction, the reader may consult 'Arnold's Marine Insurance,' Ed. 1857, where the decisions of Judge Story and Chancellor Kent are laid down with profound learning and judgment.

with a proper crew, to take a pilot, where required by custom or law, to stow the goods properly, to set sail in fair weather, to transport the cargo with care, and to provide against all but inevitable mishaps. In other respects, American and English laws are almost identical; the admirable decisions of Judge Story, Chancellor Kent, and Chief Justice Marshall having, however, made some refined distinctions.

As it was considered the duty of sailors to remain by their vessel till the cargo was discharged, they had no claim to their wages till then, but, if these were not paid within ten days after such discharge, they had a right to an admiralty process against the vessel. Only one-third of the wages earned can be demanded by the mariner at any port of delivery during the voyage. There may be on this subject a special stipulation; but, if the ship be lost or captured, wages earned up to the last port of delivery may be recovered by the mariner, on his return home, to the place to which the vessel has carried freight; freight being by the laws of all nations "the Mother of Wages:" inasmuch, however, as they depend upon the vessel's safety and the earning of the freight, they cannot be insured. In all cases of capture, the seamen lose their wages, unless the ship is restored. In cases of rescue, recapture, and ransom, the wages of mariners are subject to a general average, but in no other case are they liable to contribute. In cases of shipwreck the rule prevails, as elsewhere, that, if parts of the ship be saved by the exertions of the seamen, they hold a lien on those parts for some kind of compensation, but this is viewed somewhat in the light of salvage. When a seaman dies on

Condi-  
tions of  
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payment;

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securities  
for seamen.

board ship, wages are usually allowed up to the time of his decease, if the cause of death occurred during the term of his engagement, and otherwise than by his own fault. In the whale-fishery, the representatives of a deceased mariner are entitled to that share of the profits which the term of his service bore to the whole voyage, according to his contract. If a voyage is broken up by the fault of the master or owner, full compensation must be given to the seaman; so also, in cases of wrongful discharge, the seaman usually recovers full indemnification in American Courts of law. Indeed they have more effectual remedies for the recovery of their wages than the seamen of most other countries, from the fact that Americans have followed the ancient laws already quoted: moreover, they have their remedy against the master, and can recover their wages from him personally, or from the owner or owners of the vessel, or from the person who appointed the master and gave him his authority.

For personal injuries inflicted by the master upon the seamen, such as assaults, batteries, or imprisonments, the seaman in the United States has his remedy by an action at common law, or by a libel in the Admiralty Courts, in what is technically denominated "a cause of damage." So, also, in a wrongful discharge, an action would be not only on the special tort committed, but also for the wages on the original contract of hiring, the wrongful discharge being void.

Power of  
appeal by  
them to  
the Admi-  
ralty  
Courts.

In order to institute suits in the Courts of Admiralty in the United States it is necessary that the voyage should be on tidal waters, and that the



service on which suit is brought should be connected with commerce and navigation. The jurisdiction of those Courts in America extends to personal suits, and includes claims founded in contract and in wrong, and also those cases where claims, founded in a hypothecary interest of the nature of a lien, are urged and adjudicated upon. Their jurisdiction extends, moreover, to those cases in which shares of fish, taken on the Bank and other Cod-fisheries, and of oil in the Whale-fishery, are claimed; and, as in English Courts, the seaman may unite his claims, though founded on distinct contracts, in one suit, but this only when demanding wages. The Courts of Common Law in the United States also take cognizance of mariners' contracts, but they are not competent to give a remedy so as to enforce the mariner's lien on the vessel; hence, they confine their jurisdiction to personal suits against the master or owner, in accordance with the contract made with the seaman; but, in cases of tort committed on the high seas, and where the form of action is trespass, or a special action, the common law has concurrent jurisdiction.

The laws of the United States<sup>1</sup> expressly provide that the crews of merchant vessels shall have the fullest liberty to lay their complaints before their consuls abroad, and shall in no respect be restrained therein by any master or officer, unless some sufficient and valid objection exist against their landing, in which case it is the duty of the master to apprise the consul forthwith, stating the reason why the

<sup>1</sup> Act 20th July, 1840, 16th and 17th sections.

seaman is not permitted to land; whereupon, the consul must proceed on board, and act as the law directs. In all cases where deserters are apprehended the consul is required to investigate the facts, and, if satisfied that the desertion was caused by unusual or cruel treatment, the mariner shall be, in such case, not merely discharged, but shall receive, in addition to his wages, three months' pay, and the whole act is required to be entered upon the crew-list and shipping articles, with full particulars of the nature of this treatment. Any consul or commercial agent of the United States neglecting or omitting to perform his duties, or guilty of malversation or abuse of power, is liable to an action from the parties aggrieved; and, for corrupt conduct in office, he is liable to indictment, and on conviction may be fined from one to ten thousand dollars, and be imprisoned not less than one, or more than five, years.

Laws with  
reference  
to pilots.

Although Congress possesses the power to make the laws necessary for the regulation of *Pilots*, and the whole business of pilotage is within its authority, there is no general law for these purposes, and the superintendence of pilots is left to the legislation of the individual States. By the *Act of 7 August, 1789*, it was enacted that all pilots in the bays, inlets, rivers, harbours, and ports of the United States should continue to be regulated by the existing laws of the States respectively, until further legislative proceeding by Congress. The licensing of pilots and fixing rates of pilotage were therefore thus arranged at first; but, as some difficulties arose, it was enacted by the *Act 2 March, 1837*, that it was lawful for the master or commander of any vessel coming into; or

going out of, any port situate upon waters forming the boundaries of any two States to employ any duly licensed or authorised pilot of either State.<sup>1</sup>

The native-born American seamen are bold, adventurous, and brave. In their merchant vessels the proportion of native seamen is estimated at about one-third, while it was a common remark that "the rest are rascally Spaniards, surly John Bulls, Zealanders, Malays, anything of any country." The American native-born seaman is frequently promoted to be an officer, and, sometimes, to the command of large ships, but there are perpetual complaints that the people of the United States do not "take to the sea" with alacrity. Indeed, it is only in the New England States that the sailor's life may be said to belong to the soil itself, and even the natives of that comparatively barren soil and rigorous climate become sailors, perhaps less from love of adventure and from their natural hardiness, than from necessity. When boys they had, perhaps, widowed mothers to support, younger brothers and sisters to care for, and, there being no other congenial occupation, they "go to sea." When complaining of his "dog's life," the American sailor sits by the hour whittling a stick, and building little boats for his child, recounting at the same time the perils and hardships of the sea. Like British seamen, he has always his pet ship, in which most of his experience has been acquired, and the name of that ship is oftenest on his lips. It

Character  
of Ame-  
rican  
seamen,  
especially,  
of the New  
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landers.

<sup>1</sup> In a note to this Act (Statutes at Large U.S., Boston, 1850) will be found an admirable exposition of some decisions of the American Courts respecting the scope of a pilot's duties. They are excellent, but too long to insert here.

is associated with the story of his loves, with the memory of his friendships, and he dates all eras from his several voyages in the vessel of the "one loved name." As New England was the great store-house of American seamen, there the best specimens of their seafaring population were to be found. We have seen, even in our time, the puritanical, weather-beaten, Boston skipper—once so famous—sharp as a north-easter, dressed in knee-breeches and buckles, with a three-cornered cocked-hat, not forgetting the pigtail, the very personification of our Commodore Trunnion and Piper of a century ago. But, though they may have degenerated since then, the seamen engaged in the deep-sea fisheries are still a remarkably hardy, robust race, and, hence, have succeeded in that branch of maritime enterprise far more than our own adventurers of late years.



## CHAPTER II.

Necessity of proper education for merchant seamen—Practice in Denmark—In Norway and Sweden—Russia and Prussia—France—Remarkable care of seamen in Venice, Scuola di San Nicolo—Character of this institution, and general working — Various modified since first creation—State since 1814—Qualifications of Venetian shipmasters — Present regulations of Austria — Great Britain—Need of a public institution for merchant seamen—The “Belvidere” or Royal Alfred Aged Seaman’s Institution, *note*—Mr. Williams, observations by, on the advantage of a general Seaman’s Fund, *note*—Institution in Norway—Foreign Office circular of July 1, 1843—Its value, though unfair and one-sided—Replies to circular—Mr. Consul Booker—Mr. Consul Baker—Mr. Consul Yeames—The Consul at Dantzic — The Consuls of Genoa, Ancona, and Naples—Mr. Consul Sherrard—Mr. Consul McTavish—Mr. Consul Hesketh—Reports from the Consuls in South America—General conclusions of Mr. Murray, Nov. 22, 1847, and suggestions for remedies—Board of Trade Commission, May 17, 1847—Its results — Shipowners condemned for the character of their ships and officers — Views of Government—Necessity of a competent Marine Department.

ALTHOUGH it can scarcely be said that the character of British seamen degenerated from the time America declared her independence till towards the close of the first half of the present century, there is no doubt that those of other nations were making rapid strides in advance of them. Indeed, many causes had combined to raise, alike, the position of the shipowners and seamen of foreign nations, not the least of these being the protection afforded to our

Necessity of proper education for merchant seamen.

shipowners by the Navigation Laws, as under that protective system they felt it less necessary to exert themselves to contend with the foreigner as keenly as, under other circumstances, they would surely have done. Most foreign nations had also directed their attention, long before we did, to the necessity of thorough education for their seafaring population—a policy they have since maintained. With that object in view, schools were established at all their principal seaports, where not merely the rudiments of navigation were taught the youths, but considerable attention was also devoted to their moral and intellectual improvement.

Practice in  
Denmark.

In Denmark, for instance, the system of education for the higher grades of the merchant service was particularly strict and effective. No Danish subject was allowed to act as master of a merchant vessel unless he had previously made two voyages in the capacity of mate, while the mates themselves had, and still have, to submit to a general examination, embracing (1st) a knowledge of dead-reckoning, the nature and use of logarithms, and the first rudiments of geometry; (2nd) the nature and use of the compass and log; and (3rd) the form and motions of the earth, and the geographical lines projected on its surface, so as to be able to determine the position of different places. It was also expected that he should understand the nature of Mercator's charts, and the mode of laying down the ship's course on them, together with such calculations as may be necessary for this purpose. Expertness in keeping a journal, in the use of the quadrant, and in making the necessary allowances for currents, lee-way, and the varia-

tions of the compass, were all required, together with some idea of the daily motion of the celestial bodies, of the sun's proper motion, and the meaning of the words "horizon," "refraction," "semi-diameter," "radius," and "parallax." He was also required to know how to use the instruments for calculating the elevation of the sun and stars, and the distance between objects on shore! Nor, indeed, was his examination limited to the more ordinary details of a navigator's duty. He was expected to be expert in ascertaining what star enters the meridian at a given time at the highest and the lowest elevations, as well as in finding the latitude, both by means of the meridian height of the sun or of a star, and in determining the time for high and low water. He was further expected to understand the mode of calculating the time of sunrise and sunset, and of ascertaining the variations of the compass by means of one or more bearings in the horizon, and by the azimuth.

In Norway and Sweden, mates of ships had to undergo a similar examination before being allowed to act in that capacity, and a still more rigid examination both as regards seamanship, navigation, and the general knowledge of business relating to shipping affairs, before they could command a vessel, together with a knowledge of the Customs and Navigation Laws, and of the usual averages and exchange. They had likewise to know something of the elements of shipbuilding, and of the mode of measuring a ship's capacity.

In Russia and Prussia the mates and masters of merchant vessels, besides the qualifications above referred to, were required not merely to read and write

In Norway  
and  
Sweden.

Russia and  
Prussia.

their own language with accuracy, but to have some knowledge also of English and French.

So early as 1806 a school was founded in Nicolaieff to train masters and pilots for the commercial marine, which, in 1832, was enlarged and removed to Cherson, while another and similar establishment was at the same time founded in St. Petersburg. All coasting vessels are now bound to have masters who have left these schools with certificates of competency. But the most important measure for the encouragement of seamen in Russia, whether employed in river or sea navigation, was enacted in 1826; families devoted to navigation being then for the first time incorporated in certain towns along the sea coasts and great rivers under the designation of "Corporations of Free Mariners." These corporations were exempted from the capitation and land taxes, and from the conscription and quartering of troops, on condition that they sent their young men to serve for five years as apprentices in the Imperial fleet.

France.

The system, however, of combining the services of seamen for the navy and the mercantile marine alike has been more thoroughly organised in France than in any other country. There the State and Commercial Navy are under the same code of regulations, the members of each being equally entitled to a pension after a certain length of service: in fact, all seamen in France are held to be in Government employ; their names are registered in the office of the Marine Commissioners of the port to which they belong, and, from the age of eighteen to fifty, they are liable to be ordered at any time on board a



Government ship, to serve as long as necessary. Hence it is that almost every seaman or fisherman of France has served in the navy for at least three years. At the age of fifty, and on the completion of a service at sea of three hundred months in either the navy or the merchant marine, a seaman receives a pension according to a certain scale, whereby, however, he cannot get more than six hundred francs, or less than ninety-six francs per annum. But these pensions are not really paid by the State, as a deduction of three per cent. is made from the monthly pay of every seaman in either service, so as to provide a fund for their payment.

France also provides for her seafaring classes more liberal and effective means of education than are, perhaps, to be found in any other country. A professor, paid by Government, resides in each of its principal ports, who affords to all, seeking to be commanders in the merchant service, instruction, free of charge, on the different subjects connected with their profession.<sup>1</sup>

Seaman's funds, somewhat similar to those in France, have been established by all other European nations, though the objects in view have differed. That in England, well known as the Merchant Seaman's Fund, was instituted during the early part of the present century, for the benefit solely of merchant seamen, who were not under any obligation to serve in ships of war, though, during the great war, they were too frequently pressed into the service. All these associations appear to have

<sup>1</sup> See papers relating to the Commercial Marine of Great Britain, 1846, p. 235.

Remark-  
able care  
of seamen  
in Venice;

Scuola di  
San  
Nicolo.

Character  
of this  
institu-  
tion;

had their origin with the Italian Republics, and that of Venice is of considerable historical importance, forming as it did the basis on which nearly all the others have been engrafted. This institution, called the *Scuola di San Nicolo*, was originally founded at that city in the year 1476, in commemoration of the successful defence of Scutari by the Venetians against the Turks. Greenwich Hospital, in some respects, resembles it, but the Venetian institution had attached to it a Merchant Seaman's Fund, distinctly intended for the relief of the old and infirm sailors of that service. The building itself was destroyed in 1806, but the institution still survives.

In 1786, the laws relating to this excellent institution having been carefully revised, required that all seamen, whether Venetians or foreigners, as a condition of their employment in the Venetian merchant service, should inscribe their names at the *Scuola di San Nicolo*. Foreigners domiciled, who had been employed in the sea service of Venice for the space of five years, were also entitled to the benefits of the institution to the same extent as natives.

On the first inscription, each man had to pay three Venetian livres and two soldi (about 2s. 1d.) as entrance money, and, subsequently, an annual contribution of one livre and eleven soldi (1s. 1½d.). In addition to the above, every sailor or other person of the crew of a vessel was bound to pay twenty soldi (10d.) for each voyage out and home.

All who had been inscribed two years, and had punctually paid their contributions, were entitled to the benefits of the institution, that is, to medical attendance and lodging in the Hospital of Invalids,

when advanced in years or infirm. Children, it would seem, were only eligible in cases where the fathers had sailed for ten years beyond the limits of the Gulf of Venice, or along the Dalmatian coast.

The "Scuola di San Nicolo," as above described, was preserved with all its laws and rules during the first occupation of the Austrians, from 1797 to 1806, after which it was suppressed by the then Government of Italy. An invalid fund was then established, which may be called an institution for the relief of invalid sailors. One-sixtieth was deducted from all payments made on account of the navy, and assigned to it; it thus becoming, in reality, a military institution, under the protection of the Royal Navy. Subsequently additional funds were assigned to it, in the shape of a percentage on all prizes, the proportion given depending on whether the prize or its captor were a ship of war, a privateer, or a merchant vessel.

and  
general  
working.

Variously  
modified  
since first  
creation.

By a decree of 1811, the endowment of the institution was further augmented, and the means of giving relief were consequently increased. Three per cent., instead of one-sixtieth, was granted out of the pay of the Royal Navy; and merchant seamen were likewise obliged to contribute their respective shares of pay or prize money. Finally, in addition to the percentage on prizes, the following casual sources of emolument were set aside for this institution:—The proceeds of wrecked vessels, if not claimed within a certain time; the pay due to sailors or others, who had deserted from vessels in the service of the State; half of the pay due to deserters from the merchant service; and the amount due on account of pay, prize-money, &c., to sailors or others dying at sea, if

not claimed within a certain time. The immediate direction of the establishment was vested in the Comptroller of the Marine, under the supervision of the Royal Navy Board.

State since  
1814.

After the return of the Austrian government in 1814, the civil and military establishment and their administration were separated. Invalid sailors of the navy were placed on the same footing as soldiers, and the institution was then kept up and applied solely to the benefit of the commercial marine, under the title of "The Charitable Institution for Invalids of the Venetian Commercial Navy." The administration of this establishment was vested in the office of Captain of the Port, under the control of the Government.

Merchant seamen sailing in vessels entered on the registers of the Venetian provinces contribute to its support at the rate of three per cent. on their pay, whether captains, officers, or men; this sum to be paid at the office of the Captain of the Port by the captain or owner of the vessel, according to the muster-roll of the crew. Instead of the casual sources of revenue granted by the decree of 1811, above quoted, this institution is now endowed, in lieu of the moiety of the unclaimed pay of deserters from the merchant service, with an equivalent sum together with the amount of all fines levied on seafaring persons for infringement of the naval laws and regulations. The capital thus accruing is invested in the public funds, and the interest applied to the relief of the deserving, according to the following scale:— Captain, one Austrian livre (about 8*d.* sterling) daily; an officer, eighty centimes daily; and a sailor, about seventy centimes daily; their widows receiving re-



spectively one-half the above sums. In making selections from the candidates for relief, regard is had to the most aged and infirm. There is no building now appropriated for the reception of the aged and infirm, but the sick are admitted, on application, to the Civil Hospital in Venice. Orphan children are not entitled under the rules to relief: indeed these regulations, like others of a similar character, seem but provisional; but, as they embrace the general features of the Austrian and French systems, they merit attention.

The law of the Venetian Republic of 1786, relative to the merchant service, shows the pains taken in former times by the Republic to secure efficient and well-educated men for the command of their merchant vessels. It may be inferred that no conditions were imposed on persons desirous of commanding merchant vessels previously to this law, as, by one of its provisions, it was not to affect persons then in employment as captains or masters—a principle adopted by Great Britain in her recent Mercantile Marine Acts. Those desirous of becoming captains or masters were required to prove that they were Venetian subjects; or if foreigners, that they had been naturalised and had resided in the State without intermission, or had been employed in the Venetian sea service for fifteen years. In addition to this it was requisite for the candidates to give proof of being at least twenty-four years of age; of having served at sea for eight years, either in a private ship or in one belonging to the State, before they could command a ship. Every one, too, besides being able to read and write, was required to satisfy competent

Qualifica-  
tions of  
Venetian  
ship-  
masters.

examiners that he was versed in the theory and practice of navigation. A Venetian subject, having an interest or share in a vessel and being duly qualified, was, however, entitled to command in preference to any other master.

Present  
regula-  
tions of  
Austria.

The Austrians, following the example of their provinces, now require candidates for the command of merchant vessels to show that they are twenty-one years of age, and are domiciled in the Austrian dominions: that they have served not less than five years in national vessels other than coasting vessels, and that their general conduct has been good. They are required to undergo a severe examination before a commission, consisting of the officer of government charged with the affairs of navigation and trade, the Professor of mathematics in the Naval College, the Captain of the port, one member of the Chamber of Commerce, and two experienced merchant captains. Candidates are required to answer theoretical and practical nautical questions; to solve such problems as are set before them, and show that they are acquainted with naval laws and discipline, before they can take the command of merchant ships.

Great  
Britain.

Strange to say, Great Britain, the greatest of all maritime nations, has only, at a comparatively recent period, established a system, to which I shall hereafter refer, whereby all masters and mates in her service are now required to undergo an examination: unlike France, however, she still leaves whatever may be the expense of gaining the previous and fundamental knowledge to be borne by themselves.

It would weary my readers were I to give further details of the different modes established in other

nations for securing the due qualifications of masters and seamen, or for providing institutions for their benefit in sickness and old age. With the exception of Greenwich Hospital, created for the benefit of seamen serving in the Royal Navy, England possesses no State institution appropriated exclusively for the education of our merchant seamen, or for their benefit in sickness or old age. The Merchant Seaman's Fund was abolished<sup>1</sup> in 1851; and I know of no institution in this country where the aged seaman can find refuge, except one which was recently established, and is maintained by voluntary subscriptions.<sup>2</sup> There are, of course, numerous charitable

Need of a  
public  
institu-  
tion for  
merchant  
seamen.

<sup>1</sup> The "Winding-up Act, 1851," enacted that compulsory contributions should cease from that date; that those who had paid up till then, should have the option of continuing these payments, but those seamen who had not contributed before 1851 should not be admitted. Thus the fund was practically "abolished," and is now only in operation for the purpose, as the Act names, of "winding-up." This well-intended Institution had become hopelessly insolvent through the grossest mismanagement. Its administration was vested in different irresponsible bodies at the different ports, and while the Legislature *compelled* contributions, it took no security for the just appropriation of these funds, and no security for solvency! The Winding-up Act of 1851 transferred its affairs to the Board of Trade for the purpose of paying all existing pensions, and to allow the then existing contributors to continue their annual payment should they wish to do so. It has cost the country upwards of 1,000,000*l.*, and will probably cost 500,000*l.* more before all claims have been satisfied. The pensions granted by the Board of Trade until now (1875) have been 7528*l.* to masters and seamen, and 14,972*l.* to widows and children.

<sup>2</sup> The "Belvidere," known as the "Royal Alfred Aged Seaman's Institution," was established, soon after the abolition of the "Merchant Seaman's Fund," mainly through the exertions of the late Mr. William Philipps, Mr. George Marshall, and other philanthropic shipowners. The laudable object of this excellent institution is to provide for the "relief of aged and worn out merchant seamen of the United Kingdom." It was started by a grant of 5000*l.* from the Shipwrecked Mariners' Society, and is now maintained entirely by legacies, donations, and annual subscriptions from charitable persons. These

The "Belvidere," or "Royal Alfred Aged Seaman's Institution."

institutions—far more than in any other country—where seamen, as well as all other classes of the community, are to some extent provided for. But it is to be regretted that, when the Merchant Seaman's Fund was abolished, some great institution, under the authority of the State, to be supported mainly by the seamen, as well as by voluntary contributions and otherwise, was not then attempted for their special use, so as to afford them some certainty that they would receive either outdoor or indoor relief (the former is preferable) when no longer able to provide for themselves.<sup>1</sup>

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amounted, in 1874, to somewhere about 7600*l.*, though, out of this sum, the annual subscriptions were only 1600*l.* Its inmates were then 105 decayed seamen, whose ages ranged from 63 to 85. There were, besides, in that year 110 persons receiving from its funds 12*l.* per annum in out-door pensions. The inmates are provided with comfortable cabins, clothed, a good mess, and have every comfort, with pleasant grounds for exercise, overlooking the River Thames. All their physical and spiritual wants are well supplied; and, so far as its limited funds permit, it has proved of great service, being well and economically managed. When its claims on the public—I might say on the country—become better known, its means of doing good will thus, I hope, be largely extended. Indeed, the Board of Trade having now in hand upwards of 200,000*l.*, arising from the unclaimed wages and effects of deceased merchant seamen, from the surplus fees of the mercantile marine, and other similar sources, the question suggests itself if a portion of these surplus funds could not be appropriated to the benevolent purposes of the Royal Alfred Aged Seaman's Institution?

<sup>1</sup> In 1859, when a member of the Royal Commission on manning the Royal Navy, I proposed to my colleagues the establishment of a merchant seamen's fund, under Government supervision, as a means of raising a large portion of the reserves of seamen we were then considering. Though my views on this and other points were not adopted, they were published by order of the House of Commons, and accompanied the report; and as the question is still one of much public importance and still requires solution, I furnish extracts from these "remarks":—

" 'Experience has shown,' says Mr. H. R. Williams, of the Board of Trade, in his sensible paper on the subject, 'that any attempt to



One of the best of these institutions was formed in Norway, in conformity with the royal rescript of the Institution in Norway.

establish a merchant seamen's fund upon the principle of voluntary payments would not be supported by a large body of seamen. The working of the Seamen's Fund Winding-up Act has proved that seamen generally, whatever advantages may be offered to them, will not voluntarily contribute to a fund. However great may be the objections, therefore, to compulsory payments, there is no probability that a fund can be established with any chance of success upon any other principle.' Mr. Williams, observations by, on the advantage of general Seaman's Fund.

"I admit that there is something repugnant to the feelings of the sailor, and, in fact, to all Englishmen, in the word 'compulsory,' when applied to the management of his own affairs; but, in general practice, that which would be termed compulsion, if sanctioned and regulated by the Legislature, is already a voluntary act cheerfully undertaken by large masses of the people. There is scarcely a handicraft trade in the kingdom the members of which have not formed themselves into a society, the object of which is, by means of periodical subscriptions, to secure a pension or payment in sickness or old age. Both individually and nationally, every such institution is in the highest degree commendable. If, therefore, these benefit societies deserve encouragement and support, when formed for artisans and others whose occupations are on shore, they merit encouragement and support still more when their object is to relieve those whose occupation is at sea. Seamen have no means of forming such associations, as they are scattered over the whole world, having no organization, no central power, and no machinery to put such a system into operation. Whatever incentives they may have to combine together for such a purpose, they have not the means of carrying into effect their wishes. This appears to be generally conceded; and we have arrived at the conclusion that it is the duty of Government to step forward to aid those who, from their peculiar calling, are incapable of acting themselves.

"Commander Brown, the Registrar, Mr. Baker and Mr. Williams, of the Board of Trade, together with Captain Pierce, of the Liverpool Sailors' Home, all concur in the opinion that the time has arrived when a new seamen's fund should be established on sound principles under Government supervision, and upon such a basis as shall offer to the seaman a strong and powerful inducement to preserve that test which secures to him substantial maintenance in old age, or when prematurely worn out. The whole of the machinery necessary to effect this object is now established at the shipping offices, and in the existing departments of the Board of Trade, and already in operation upon 12,000 masters and seamen who have contributed to the fund under the Winding-up Act of 1851.

23rd December, 1834. It is maintained, by voluntary contributions from seamen and others, by

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" . . . . . I am of opinion that such an institution would be highly popular, even with the shipping interest. I say this, with the knowledge that a seaman may calculate his wages at only 2*l.* 9*s.* instead of 2*l.* 10*s.* per month; and with the possibility, that the difference of 1*s.* per month may fall upon the shipowner, to which class I belong. But if the incidence of this extra shilling should, in point of fact, fall absolutely upon the shipowners, they would be gainers thereby, as it is of the highest importance to them that the seaman should have some substantial tie to bind him to this country. At present no such tie exists. The British-born seamen become citizens of the world, and find themselves quite as much at home in the United States as in their native country. The higher rate of wages paid in the American ships presents a temptation to them to enter that service in preference to that of England. Now if some special inducement were offered to them to remain at home, it would operate to diminish the number of British seamen in the service of foreign states. The sailor would thus have also 'his stake in the public hedge.' At present, the exceptional use of savings banks furnishes almost the only link, for the beneficial use of money-order offices, however great their advantages, is rather a ready facility given than a permanent benefit enjoyed.

" With those views, I should propose to make a seamen's fund the basis of raising the remaining 18,000 men for a reserve. I think that the fund should be a general one, to which both seamen in the Royal Navy and in the mercantile marine should be called upon to subscribe. I think it would be desirable to break through the line of demarcation which has so long existed between the two services, and this would be one step towards effecting that object. I would give seamen of all classes a common interest in this one great fund, which might be designated as National.

" I am aware that objections will be raised to any compulsory fund. I would much prefer to have it a voluntary one; but knowing the character of the seamen as I do, I am thoroughly convinced that any fund established even under the auspices and with the guarantee of the Government, on the voluntary principle, would be a failure.

" . . . . . So far as the nation was concerned, the salutary effects of such a fund would operate in three different ways: it would prevent the seamen from being objects of charity or claimants upon the poor rates during their old age; it would be a permanent tie to bind them to their native country, founded upon a common bond of self-interest; while it would form the groundwork of a system whereby the reserve of 18,000, still wanting, might be raised."

penalties arising from offences of seamen, and, in some measure, by Government aid. The claimants on this society are those seamen who, while employed, contribute regularly to its funds. Its affairs are managed by directors consisting chiefly of shipmasters. Seamen who, on foreign voyages, leave their vessels without permission of the master, lose any rights they may have acquired; while such of them as are entitled to claim, or their relicts, must prove to the satisfaction of the directors that they stand in need of aid. Shipwrecked seamen also receive aid from this society.

Institutions like these, combined with the course of examination required from all men holding responsible positions on board ship, tend materially to improve the condition of foreign seamen, and to give them advantages too long withheld from the British. These advantages, combined with the unwise protection afforded by the Navigation Laws to the shipowners and seamen of Great Britain, gave foreign nations, for a time, a decided superiority over them. Indeed, it was found that during the first half of the present century neither the ships nor their crews kept pace with those of other maritime nations, till at length it became *necessary* to adopt measures, not merely for the improvement of the condition of our ships, but likewise for raising our seafaring population, by means of a sound education, to such a position as would enable them to compete successfully under all circumstances with the ships and seamen of other states.

With that important object in view, the English Foreign Office issued a circular on the 1st July, 1843.

Foreign  
Office circular of  
July 1,  
1843.



1843, to all our consuls abroad, requesting information respecting the conduct and character of British shipmasters and seamen frequenting foreign ports; the replies to which produced a large mass of valuable information, presented to Parliament in 1848.<sup>1</sup> But this information would have been still more valuable had it been obtained in a less one-sided and invidious manner. "I am particularly desirous," remarks the writer of the circular, Mr. James Murray, "of gaining information in regard to instances which have come under your observation of the *incompetency of British shipmasters to manage their vessels and their crews*, whether arising from deficiency of knowledge of practical navigation and seamanship, or of moral character, particularly want of sobriety. . . . My object is to show the necessity for more authoritative steps on the part of Her Majesty's Government to remedy what appears to be an evil, detrimental to, and seriously affecting the character of, our commercial marine, and therefore advantageous to foreign rivals, whose merchant vessels are said to be exceedingly well manned and navigated."

Its value,  
though  
unfair and  
one-sided.

Replies to  
circular.

With this assumption, that British ships and seamen did exhibit the inferiority suggested by the writer of the circular, it was but natural that the answers to it should, as a rule, be in conformity with the prejudged and premature opinions expressed in it. Voluminous documents poured in from the different consulates, and, certainly, some of them contained charges of the gravest character against the owners and crews of our merchant fleet. The first is

Mr. Consul a letter (11th July, 1843) from Vice-Consul Booker,

<sup>1</sup> Papers relating to Commercial Marine of Great Britain.



at Cronstadt, who seems to have ransacked his archives, containing, as these did, the results of an experience of fifty-nine years—to discover materials whereon he could ground a charge against the British sailors; but, while admitting that drunkenness was their principal failing, and that it was “a rare circumstance that a master is unfit to clear his ship either inwards or outwards,” he added: “It does not happen above two or three times in the year, in which case I get hold of the mate, and no stoppage ensues; and, in the intermediate time, when the ship is loading, the master, if the worse for liquor, avoids the office.” Of the seamen he remarked: “The crews behave like too many common Englishmen; take their glass freely when they can get it, and sell or pawn their clothes when they have no money; get into scrapes on a Sunday night, and are brought before me on a Monday, lectured, and discharged.”

Consul Baker, of Riga, was more pointed in his charges. He remarked: “I am sorry to state that, in my opinion, the British commercial marine is at present in a worse condition than that of any other nation. Foreign shipmasters are generally a more respectable and sober class of men than the British. I have always been convinced that, while British shipowners gain by the more economical manner in which their vessels are navigated, they are great losers from the serious delays occasioned, while on the voyage, and discharging and taking in cargoes, growing out of the incapacity of their shipmasters, and their intemperate habits. I have had occasion to remark, while consul in the United States, that

Mr. Consul  
Baker.

American vessels, in particular, will make three voyages to two of a British vessel, in this way having an immense advantage over their competitor; and also from the superior education, and consequent business habits, obtaining better freights and employment for their vessels on foreign exchanges." He further remarked, that, in several instances, he had been compelled, on the representations of the consignees, to take from shipmasters the command of their vessels in a foreign port, and to appoint others for the return voyage; their constant state of intoxication rendering them wholly "unfit to carry on their duties."

Mr. Consul  
Yeames.

Consul-General Yeames, writing from Odessa on the 1st December, 1843, stated, that though in his experience he had known many unexceptionable and respectable persons in command of British vessels, they, as a rule, fell very far below the character of commanders of foreign vessels, more especially those of Austria. He attributed this inferiority in a great measure to the want of education and an absence of discipline. "Some of these shipmasters," he added, "are shamefully illiterate, and are not qualified to do justice to the interest of owners in common transactions that occur in this port. There is, too, an impression here (and certainly among all the foreign merchants) that British shipmasters are indifferent to the condition of their cargoes, and careless of their preservation, which is prejudicial at least to our interests in the carrying trade."

The Consul  
of  
Dantzic.

Somewhat similar accounts were received from Gottenburg, and numerous other ports. "Taken as a whole," remarked the consul at Dantzic, "there is

not—and I say it with regret—a more troublesome and thoughtless set of men, to use the mildest term, to be met with than British merchant-seamen. Only very lately, a master left his vessel, which was loaded with a valuable cargo and ready for sea, and was, after several days' search, found in a house of ill-fame: his mate was very little better than himself; and his people, following this example, a set of drunkards." He added, that occurrences nearly as bad as these were by no means rare, and that a Prussian vessel was sure to obtain a preference when freights were remunerative.

From the Mediterranean ports the accounts received were hardly more favourable to the character of British seamen. The consul at Genoa stated that it was quite common for captains of vessels at that port to take up their abode at a tavern; leaving the entire charge of the vessel in the hands of an ignorant mate, whose whole learning was not a whit superior to that of a man before the mast, and whose quarrels with the men or those among themselves were forced upon the consul for adjustment. At Ancona, the greater part of the masters who frequented the port were considered by the consul there to be unequal to the responsible trust imposed in them, not so much from the want of nautical skill as of sobriety. Out of the shipwrecks which had occurred during his residence at that port, he considered one to have arisen from incompetency, one from the inebriety of the master, and one from causes beyond control. At Naples, the consul spoke of the masters of British vessels being, on the average, ignorant and uneducated—"little superior in mental or literary acquire-

The Consuls of  
Genoa,  
Ancona,  
and  
Naples.

ments to the seamen they are placed over ;” and though, on the whole, good seamen, “few of them understand navigation beyond the mere power of keeping the ship’s reckoning. Nothing,” he added, “could be more truly disgraceful or discreditable than the manner of keeping the log-books of the vessels that resort to this port.”

Mr. Consul  
Sherrard.

From Trieste, Constantinople, and Alexandria, reports nearly the same were sent in. Nor were those from our consuls resident in the United States of a more favourable character. “It was but last week,” remarked Mr. Sherrard, writing from Portland, 27th July, 1843, “that I had occasion to take upon myself the risk of sending back to New Brunswick a vessel, whose master, after disposing of her cargo and receiving the proceeds, squandered the whole in liquor, leaving his crew without their wages and the vessel without sea stores.” He mentioned, also, the instance of another, a British barque, from England for St. John’s, Newfoundland, which was boarded by a revenue cutter, the whole crew, including master and mate, being in a helpless state of intoxication, and the vessel drifting about embayed in a dangerous place near Mount Desert. From Baltimore the consul, Mr. MacTavish, wrote that, with few exceptions, “almost all the masters of English merchantmen which have arrived here from British ports in my time appear to me incompetent, arising chiefly from inebriety; but, with regard to colonial vessels, I am happy to say that my experience has been the reverse of the foregoing; the temperance principle is becoming very general on board of them, and a manifest improvement is in progress from

Mr. Consul  
MacTavish.



that cause;" he added, in reply to questions about the conduct of masters of Hanseatic ships frequenting Baltimore, that, in his thirteen years' experience, he had heard of but one master of a vessel being a drunkard, and he was at once removed. "They are," he said, "invariably competent navigators and good scholars, many of them belonging to respectable families in Bremen; and most abstemious, the principal beverage used in the cabin being light-bodied claret and vin de grave." Of the British shipmasters frequenting Baltimore he wrote in very disparaging terms, asserting them to be, in point of intelligence, address, and conduct, greatly inferior to the shipmasters of either Bremen or America.

Mr. Hesketh, writing from Rio de Janeiro, states that, during an active service of more than thirty years as consul at that port, he had experienced unwearied trouble and much anxiety, in consequence of the intemperate habits of the masters and crews of British merchant vessels, and that cases were not uncommon in which it had been found absolutely necessary to take from on board all intoxicating liquors. With regard to their competency in other respects, he said: "I have come to the conclusion that British shipmasters are frequently entrusted with commands on voyages requiring more knowledge of the scientific department of navigation than they possess;" he added, however, that the masters of large or first-class merchant vessels were generally fully competent for their duties.

Similar reports came from the consuls of Bahia, Pernambuco, and Paraguay; the consul at the last-named port remarking, "shippers now give such a

Mr. Consul  
Hesketh.

Reports  
from the  
Consuls in  
South  
America.

decided preference to the merchant vessels of Sweden, Denmark, Sardinia, Hamburg, and Austria, that they are rapidly engrossing the carrying trade of Brazil; and this alarming fact is attributed by the most intelligent British merchants and shipmasters, with whom I have conversed on the subject, to the greater care taken by foreign masters, and enforced by them on their crews, in the reception and stowage of their cargoes, which they consequently deliver in much better order than do British vessels, the masters of which are in general said to be exceedingly careless and inattentive in this respect," an opinion confirmed by Mr. Ellis in his despatch to the Foreign Office from Rio, 10th December, 1842.

Although, for the reasons I have named, these voluminous reports are not so impartial as they otherwise might have been, had Mr. Murray, in his circular-note, merely expressed his desire to ascertain the facts without expressing any opinion of his own, there is too much reason for believing that the character of British ships and the conduct of British crews were then greatly inferior to those of other nations; hence Mr. Murray's subsequent memorandum of the 22nd November, 1847, contains unquestionably many valuable suggestions for their improvement, while his conclusions could hardly be questioned when he stated:—

General  
conclusions  
of Mr.  
Murray,  
Nov. 22,  
1847,

“ 1st. That the character of British shipping has declined, and that the character of foreign shipping has improved.

“ 2nd. That there was not sufficient control over British shipmasters and seamen, either at home or

abroad, while foreign vessels were subject to considerable control.

“3rd. That there was no system of regular education for the merchant service of Great Britain, but that, in foreign countries, this matter was much attended to.

“4th. That the sort of education which a British subject receives, when training for the higher grades of the merchant sea service, does not suffice to qualify him to represent with advantage to the merchant by whom he may be employed that merchant’s interest; and that he may often neglect those interests and the merchant not be aware of the fact.”

“What was wanted,” Mr. Murray continued, “was not merely a study of navigation and seamanship, but a thorough knowledge of ship’s husbandry, and a thorough knowledge of stowage of cargo, of exchanges, and other commercial information which would qualify a master to act, if necessary, as the representative of his employer in the character of merchant; the commander of a ship being in law considered the representative of the owners of the property on board. It was further urged that a merchant had no means of accurately ascertaining the character and capability of shipmasters or of seamen, and really depended for the safety of his property upon his insurances.”

For these reasons, with a view to maintain the supremacy of Great Britain in commercial navigation and enterprise, Mr. Murray proposed to establish “a <sup>and suggestions for remedies</sup> Board or Department of Commercial Marine,” at the same time pointing out that the want of such a department was greatly felt in the preparation of

any new law, and still more so in the subsequent process of acting upon it. Nine departments, he explained, were concerned in the Merchant Sea Service Laws; and there was no central board to point out to each department how each could best act for the success of the whole; each department being left to look merely to those interests committed to its charge, and to its own convenience. The Board of Trade was indicated as the department to which the community would naturally look with regard to everything relating to commerce, whether at sea or on shore.

Board of  
Trade  
Commis-  
sion, May  
17, 1847.

Its results.

Previously to the issue of Mr. Murray's 'Memorandum,' that Board had, on the 17th May, 1847,<sup>1</sup> announced the intention of Government to issue a commission without delay to examine into certain matters relating to the commercial marine. This inquiry confirmed in all material respects the information previously received by Mr. Murray. Indeed, three only out of seventy-five reports from consuls stated that the condition of British shipping had improved rather than declined; and, in these cases, it was shown that, from the nature of the trade in which the vessels were engaged—the fruit trade of Greece, and from the perishable character of their cargoes—the greatest care had to be taken in selecting the best ships.

There can be no doubt that, as early as 1843, when Mr. Murray issued his circular letter to the consuls, and more especially in 1847, when Lord Palmerston ordered further inquiry to be made by

<sup>1</sup> See Sir John Shaw Lefevre's letter, page 144, part ii., Parl. Papers relating to Mercantile Marine.



means of this commission, Government saw the time was approaching when great changes would be demanded, not merely with regard to the Navigation Act, but likewise in the laws affecting our ships and seamen; and that it would, ere long, be essential for our own interests to follow the example set us by foreigners in the education of our seamen, as well as in the application of public tests to prove the competency of the masters and officers of British merchant vessels.

Strong objections were, however, raised by the shipowners against any Government interference, on the ground that it would be partial, and consequently so far unjust, these objections being naturally strengthened by the manner in which Mr. Murray had set about the enquiry of 1843. It was, nevertheless, but too evident that, however much British shipowners might deprecate the assistance or interference of Government, a large proportion of their ships were commanded and navigated in a manner reflecting discredit on our national intelligence, and injurious to the interests of Great Britain; that the persons placed in command of them were too frequently unfit for their duties; and that, while many of them were so habitually addicted to drunkenness as to be altogether incompetent for their position, not a few of them were almost without education.<sup>1</sup>

Ship-owners condemned for the character of their ships and officers.

Nor in too many instances were the ships much better than their masters; and hence foreign vessels

<sup>1</sup> In my own time, I remember a shipowner saying to me that he never would have a "scholar" in command of any of his vessels, *because* education taught him how to make up false accounts and the art of cheating; while another whom I knew, only retained one "educated" master in his service, because he was flattered by being invariably addressed by him as "Mr. Joseph Perkins, Esquire."

were frequently chartered in preference to British, not because, as ships, they were superior in quality, but on account of the greater care foreign shipmasters bestowed on the stowage and transport of their cargoes, and from the fact that being generally educated, sober, intelligent, and capable of commanding respect and maintaining discipline, the seamen themselves were consequently more orderly.

Views of  
Govern-  
ment.

For these and numerous other reasons, Government naturally asked whether it was justifiable that the lives of thousands of persons should be constantly jeopardised, because shipowners had the power of placing incompetent persons in charge of their vessels; and whether it was proper for the State to allow its seafaring population to be left in ignorance and disorder, and exposed to the evil example of illiterate and intemperate masters. Many thoughtful men out of doors also began to enquire if it was right that these men, by sheltering themselves under the Navigation Laws, should be thus allowed to encourage the growth and employment of foreign in preference to British shipping, to the injury of the national interests.

Necessity  
of a  
competent  
Marine  
Depart-  
ment.

Even had it not become apparent that the time had arrived for great changes in the commercial policy of England, the condition of our seamen and the state altogether of our merchant service required the exclusive attention of some such public department as Mr. Murray had recommended. But such matters, however important, being subsidiary to the question of the Navigation Laws and their effect upon maritime commerce, were left in abeyance till these had been fully considered.

## CHAPTER III.

High estimate abroad of English Navigation Laws—Change necessary, owing to the Independence of America—Other nations at first Protectionist—Mr. Pitt's proposals with reference to trade with America—Mr. Pitt resigns, and a temporary Act ensues—Shipowners and loyalists in America successfully resist his scheme—Congress the first to retaliate—Restrictions injurious, alike, to England and her Colonies—Commercial treaties with America between 1794 and 1817—Acts of 1822 and 1823, and further irritation in America—Order in Council, July 1826—Conciliatory steps of the Americans in 1830—Foreigners look with suspicion on any change in the Navigation Laws—Reciprocity treaties of 1824-6—Value of treaties in early times, but inadequate for the regulation of commercial intercourse, and liable to unfair diplomacy—Reciprocity treaties only, partially, of value, and do not check the anomalies of Protection—Committee of 1844-5 promoted by the Shipowners, who seek protection against Colonial shipping—Reciprocity must lead to free navigation—New class of Statesmen, well supported by the People—Exertions of Lord John Russell, who leads the way against Protection—Richard Cobden and the Anti-Corn-Law League—John Bright—Effect of the Irish famine, 1845-6—Sir Robert Peel carries the Repeal of the Corn Laws, and resigns.

IN proceeding to consider the great alterations in the ancient commercial system of England which have ultimately led to the entire abrogation of the Navigation Laws, it is advisable to trace their remarkable history under several distinct heads, premising, however, that, previously to 1844, their complete repeal had probably not suggested itself to

any of the statesmen who, at various periods, had held the chief power in England.

High estimate  
abroad of  
English  
Navigation  
Laws.

For nearly two centuries an opinion had prevailed in England, as well as in all foreign countries carrying on maritime commerce, that the English Navigation Laws, created originally to check, if not to annihilate, the maritime power of Holland, had been the means of raising Great Britain to her unquestioned superiority on the ocean. But this opinion is best answered by the fact that, long after the creation of these laws, the Dutch still remained more powerful at sea than any other nation;<sup>1</sup> while, on the other hand, the shipping of England, under a different policy, has become much more prosperous than it ever was at any period during which the laws of Cromwell were enforced.

Change  
necessary,

Other nations, however, could not fail to see that English shipowners upheld these laws with much tenacity; hence when, on the cessation of the wars of Napoleon, they had more time to devote their attention to individual pursuits, they asked themselves two questions: (1st) if protective laws had been beneficial to English ships, why should they not follow the example of that country and enact for themselves similar laws? and (2nd) if England persisted in excluding their ships from her ports, why should they not treat her vessels in the same

<sup>1</sup> In a little book, 'Political Arithmetic,' by Sir William Petty, written about 1675, and published in 1691, the author of it remarks, "The extent of the shipping of Europe being about two millions of tons, I suppose the English have five hundred thousand—the Dutch nine hundred thousand, the French an hundred thousand, the Hamburgers and the subjects of Dantzic two hundred and fifty, and Spain, Portugal, Italy, &c., two hundred and fifty thousand!" the value of which the author reckoned "at 8*l.* per tun" (ton).



manner? In other words, they were already prepared to act on the principle of retaliation, and adopt the course pursued by the United States of America in 1817, when Congress passed a law, the counterpart, if not the copy, of that in the English Statute-book, which was adopted with the declared intention of retaliating on Great Britain.

In the case of the American States, so long as they were dependencies of the British Crown, their ships could trade with all British dependencies on the same footing as our own; but, when they became independent, their ships, like those of any other foreign Power, were excluded from every port where our laws prohibited the entry of such vessels. Previously they could freely trade with the British possessions in America and with the West Indies, with which they had hitherto carried on a profitable intercourse, supplying them with lumber for their houses, staves for their casks, corn, fish, and other provisions, together with horses and cattle for their plantations, besides affording our people there a sure market for their surplus produce of coffee, sugar, and rum.

Up to this period the practice of foreign nations had not very materially complicated our navigation system. If Great Britain, on her part, persisted in refusing to receive, for instance, the produce of the Spanish and Portuguese colonies in any but British ships, Spain and Portugal, on their side, declined to send their goods to England in any ships but their own. So that our law in such cases, rigorous as it was, did nothing but determine how a trade, in which we had never had a share, must be carried on, should we be permitted to enter it. But the case of the

owing to  
the Inde-  
pendence  
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Other  
nations at  
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tectionist.

Mr. Pitt's  
proposals  
with re-  
ference to  
trade with  
America

Mr. Pitt  
resigns,  
and a  
tempo-  
rary Act  
ensues.

United States was attended with much greater difficulty. Here was an extensive and flourishing maritime commerce, averaging nearly 3,500,000*l.* yearly, which had hitherto been open to English and American vessels, indifferently, but which was now, by the operation of our Navigation Laws, confined entirely to the former.<sup>1</sup> It was then that the strength and elasticity of our exclusive system were first severely tested. Mr. Pitt foresaw this serious difficulty so early as 1783 when Chancellor of the Exchequer, and the necessity of immediately introducing a temporary measure to regulate the commercial intercourse with the now independent States of North America. The Bill then actually introduced by Mr. Pitt proposed to allow American vessels to import into our colonies any articles whatever of the growth, produce, or manufacture of the United States, and to export any articles from our colonies to the United States. But, unfortunately, while this wise measure was under the consideration of the House of Commons, the ministry to which Mr. Pitt belonged resigned, and their successors, to save themselves the trouble of passing a Bill of this prudent and necessary character, passed a temporary Act, afterwards renewed from time to time, vesting in the Crown alone the power of regulating the trade with America.

As might have been anticipated, considerable discussion immediately arose with regard to the manner

<sup>1</sup> See a review of the 'History of the Navigation Laws of England from the Earliest Times,' by a Barrister, a most able exposition, from the pen (I understand) of Sir Stafford H. Northcote, Bart., now (1875) Chancellor of the Exchequer, published by Ridgway, London, 1849.

in which this power of the Crown should be exercised. The West Indians, on the one hand, represented the ruinous position in which they would be placed if they were forbidden to trade with the United States : while, on the other, the loyalists of the remaining North American Colonies pleaded that they were quite able to supply the people of the West Indies with all they required, and prayed that the monopoly the war had given them should not be abrogated. These views were maintained by the shipowners of Great Britain, on the plea that, if American vessels were allowed to export West Indian produce, they would convey it to foreign countries as well as to the United States, thus securing a materially improved position as carriers by sea ; and, after this case had been fully argued before the Board of Trade, the shipowners and the loyalists unfortunately won the day.

The ship owners and loyalists in America successfully resist Mr. Pitt's scheme.

Exasperated by such conduct, three of the American States made a requisition to Congress to prohibit all commercial intercourse with the British colonies ;<sup>1</sup> and, before Congress met in 1789, no less than nine of these States had demanded retaliatory measures on British commerce and navigation. The result was that two Acts of Congress were immediately passed : one imposing a tonnage duty of six cents on all American built and American owned vessels, of thirty cents on vessels built in the United States but owned by foreigners, and of forty cents on foreign vessels ; while the other imposed a tariff of duties in the ordinary form, and provided for the remission of 10 per cent. of such duties in case

Congress the first to retaliate.

<sup>1</sup> McPherson's ' Annals of Commerce,' vol. iv. p. 26.

the goods were imported in American ships. The Americans thus paid us off in our own coin, and continued this retaliatory system till 1817, when they passed the Navigation Act to which I have just referred, in all respects analogous to our own. Nor, indeed, can there be any question but that they were fully justified in these retaliatory measures. If one nation insists on excluding the vessels of other nations from their trade, they must naturally expect that the legislators of the countries, whose vessels are thus excluded, will take similar steps, even to the injury of their own people; in fact, this is just what England did when she prohibited her people from obtaining from other countries, at the lowest cost, the produce or manufactures essential for their existence.

These restrictions injurious, alike, to England and her Colonies.

But besides this, these restrictive measures on the part of Great Britain, had in more than one instance, proved, in many other respects, most injurious to her own people, while inflicting the greatest hardships and most lamentable sufferings on her own West Indian colonies. Thus, between 1780 and 1787 no less than 15,000 slaves perished from starvation, having been unable to obtain the requisite supplies of food from the North American colonies at a period, when the home-grown portion of their sustenance had been destroyed by several hurricanes. Yet, notwithstanding this terrible calamity, the British Parliament persevered in the system it adopted, and ultimately passed an Act (28 Geo. III., cap. 6) whereby no goods could be imported into the West Indies from the United States, even in British ships, except about thirty enumerated articles, the produce



of these States. Indeed, the Act went so far as to prohibit the importation of even these articles from any of the *foreign* West Indian Islands, except in cases of public emergency, when the governors of individual colonies were allowed to relax this prohibition. Similar laws were also passed to prohibit the importation of goods into our North American colonies from the United States, except for similar reasons.

The injurious consequences of such policy, especially in the provocation it gave to the Americans, led to the conclusion, in 1794, of the treaty to which I have already incidentally referred<sup>1</sup> (though, strange to say, even this was disapproved of by many persons in England), whereby American vessels, not exceeding seventy tons burden, were allowed admission into the British West Indies with such articles of United States produce as were not generally prohibited, and, at the same time, permitted to export therefrom to the United States any produce of the West Indies legally exportable thereto in British vessels. Curiously enough, the following proviso was appended to this clause:—"That this liberty only extends to a direct intercourse between the British West Indies and the ports of the United States, and the United States engage to prohibit the carriage of molasses, sugar, coffee, cocoa, or cotton in American vessels, either from his Majesty's dominions or from the United States to any other part of the world." The treaty also provided for placing the trade between Great Britain and the United States on a permanent footing, it having till then

Commercial  
treaties with  
America  
between  
1794 and  
1817.

<sup>1</sup> See *ante*, vol. ii. p. 354.

been regulated by Orders in Council. This treaty, which gave even greater dissatisfaction in the United States than in England, was not ratified by Congress till 1796; nor was the Act for giving effect to it in Great Britain passed till the following year.

This Act, however, made no provision for the admission of American vessels generally into our colonies. It simply provided that American ships were at liberty to import into Great Britain such produce of their own States as was admissible in British vessels; it moreover imposed a tonnage duty on the ships, and a discriminating duty on the goods imported by them, in order to countervail any duties levied on goods imported into the United States by British ships. The provisions of the treaty as to opening the trade of the West Indies appear to have fallen to the ground. An additional article to the treaty of 1794 stipulated that the article containing those provisions shall be suspended; while a later treaty (1806) contained a recital that the two high contracting parties had been unable to arrange the terms on which the commerce between the United States and the West Indies was to be carried on. In fact, they came to no definite arrangements till the United States passed their retaliatory Acts in 1817 and 1820, and, even then, it took more than ten years to settle the differences between them on almost any one question. Indeed, the only alterations of any importance made between 1806 and the passing of the American Navigation Act, in 1817, were the opening of the trade between the United States and our North American colonies, in 1807, and the conclusion of a treaty in 1815 abolishing the

differential duties levied by the two countries on the ships of each other in respect of direct voyages between them.<sup>1</sup>

In 1808, and more fully in 1810, similar privileges were granted to the Portuguese dominions in South America; and, in 1822, these were extended to all countries in America, being, or having been, under the dominion of Spain. When the Customs Laws were first consolidated in 1825, the exceptions became the rule, and importations from Asia and Africa were placed on a similar footing to those from America. Thus our original rule as to importations from Asia and Africa, as well as from America, was broken down.

Though the Act of 1822 allowed a considerable number of articles to be imported into the free ports of the West Indies from any foreign country in America in ships of such country, it contained a clause reserving to the King the power of prohibiting such intercourse with any foreign country not treating British shipping with equal favour. The President of the United States, having been previously empowered by Congress to open the ports of that country to British vessels on the same terms as were required from United States vessels when coming from any British port in the West Indies, passed on the 21st March, 1823, an Act to regulate "the commercial intercourse between the United States and certain British ports." By this Act the ports of the United States became open to British vessels coming from the free ports of the British

Acts of  
1822 and  
1823, and  
further  
irritation  
in  
America.

<sup>1</sup> See Mr. Huskisson's Speech on Colonial Policy, March 21, 1825.

North American and West Indian possessions, while power was given to the President to remove the differential duties levied on goods so imported, on receiving information that similar privileges had been conceded in such British colonial ports to the vessels of the United States. The Act, however, required all goods so imported to be the produce of the colony whence they came and to have been imported thence direct. It further enacted that such British ships might take back produce of the United States, provided they gave bonds to land it directly at the port for which they cleared out. As the provisions of this Act were, however, to depend on the continuance of those enacted by the British Legislature in 1822 (3rd Geo. IV., cap. 44), and, as the vessels of the United States were not placed on precisely the same footing in the ports of the West Indies as British ships, this power of the President was never exercised, and a British Order in Council in opposition to it was subsequently issued on the 21st July, 1823. Here again arose another war of tariffs, for this Order levied countervailing duties on vessels of the United States and their cargoes in the ports of the British North American and West Indian possessions from the ports in the United States to the extent of 4s. 3d. per ton, as well as a discriminating duty of 10 per cent. on imported articles.

In 1825, when the consolidation of the Customs Laws was under consideration, as well as the extension of treaties with other countries, negotiations were again renewed with the United States, but they were not successful, and another Order in Council



was issued on the 27th July, 1826, reciting that the conditions laid down by the Possessions Act, 6 Geo. IV., cap. 114, had not been fulfilled, that is to say, that the United States had not reciprocated the privileges Great Britain had granted to American ships, and that, therefore, the privileges possessed by American vessels of importing the produce of their country into British possessions abroad, and of exporting the produce of those possessions to any foreign country whatever, would cease on certain dates fixed in the following year. As might have been anticipated, the President issued, on the 17th March, 1827, a proclamation prohibiting the trade and intercourse with the British possessions authorised by the Act of Congress of 1st March, 1823.

Happily, however, these retaliatory measures did not remain long in force ; and, after various negotiations, it was enacted by the American Congress on the 29th May, 1830, that, whenever the President should have evidence that Great Britain would open the ports of her colonial possessions in the West Indies, South America, and the Bermudas, for a limited or indefinite time to United States ships, at the same rate of impost and tonnage and with the same cargoes as British vessels, and that they would be allowed to export from such British possessions to any country whatever any article which could be exported in British vessels, leaving any other intercourse with Great Britain in other respects as it then was, he might grant similar privileges to British vessels coming from the said possessions to the United States. This conciliatory measure was followed on October 5th, 1830, by a proclamation from the Presi-

Concilia-  
tory steps  
of the  
Ameri-  
cans, 1830.

dent, extending the provisions of the Act to the British colonies therein specified, and which had been opened to American vessels. Finally, a British Order in Council of the 5th November of that year, repealing the various Orders passed between 1823 and 1827, was issued, authorising vessels of the United States to import into British possessions abroad any produce of the United States from those States, and to export goods from the British possessions abroad to any foreign countries whatever.

Subsequently to the failure of Mr. Pitt's measure respecting the trade of the United States, no great effort was made for many years to modify grievances with other nations, which every one felt were caused by the Navigation Laws. Protection had become so thoroughly engrafted on the whole policy of the nation, that the question of the repeal of these laws could only be approached by degrees, the country being so impressed with their necessity, that any attempt during the first quarter of this century to sweep them away would have proved a signal failure. Indeed, at the close of the French war, when modifications were offered, conditionally, to other countries, it is not surprising that such foreign nations as believed the prosperity of England to be due to her protective system were not satisfied of the honesty of her intentions: most of them, in fact, looked with suspicion on proposals which, in the dawn of sound commercial knowledge, were not unnaturally thought by them inimical to the interests of England. Foreign nations were slow to recognise that the comparative freedom of her constitution, her vast mineral resources, the skill and

Foreigners  
look with  
suspicion  
on any  
change in  
the Navi-  
gation  
Laws.

energy of her people, the security of property, and the equality of taxation, could secure for England either her commercial or her manufacturing superiority; and, still less, could they comprehend how much such causes as these had to do with her maritime supremacy. They were equally unable to discover to how great an extent the prosperity of these interests and of shipping were mutually dependent on each other, ships being really the adjuncts only of commerce, as without it there would be no reason for their existence.

But after much discussion reciprocity treaties were concluded by Mr. Canning and Mr. Huskisson with several Continental Powers, the object of these statesmen being to hold out the right hand of fellowship to other nations, and to surrender in exchange for some concession on their part the more stringent conditions of our Navigation Laws. The earliest of these treaties was with Prussia, on the 2nd April, 1824: on the 16th June, we made another with Denmark; on the 29th September, 1825, with the Hanseatic Republics of Lubeck, Bremen, and Hamburg; on the 16th January, 1826, with France, and on the 26th December, of the same year, with Mexico. Various other treaties followed; opening, on certain terms of reciprocity, the ports of Great Britain to the ships of the nations with whom they were made; but reserving to her own ships, as a rule and with jealous care, her colonial ports.

During the Middle Ages, when foreigners were too frequently subjected to unjust treatment, treaties were, no doubt, necessary for their protection. For

Reciprocity  
Treaties of  
1824-6.

Value of  
treaties in  
early  
times,

instance, at one time, all foreigners residing in England were held liable for the debts and even for the crimes of each other. Shipwrecks, though attended with less of the barbarity of earlier times, were regarded in most countries as fortunate opportunities for plunder; while tolls and local charges of the most arbitrary description were levied on aliens by states, princes, corporations, and the lords of manors. There were also many other matters scarcely less oppressive and unjust which could only be redressed by negotiations.

but inadequate  
for the  
regulation  
of commercial  
inter-  
course,

Under such circumstances it was necessary for commercial States to secure, by treaties, that protection and security for the person and property of their subjects abroad against the injustice they were liable to, and which they could not obtain from the laws of the countries where they might happen to be. Treaties were also required for the regulation of neutral commerce during war, and for defining clearly what goods could not be carried by neutrals for the belligerents. For all such purposes treaties were, of course, essential; but, when they came to be used, with the further object of teaching different nations how to conduct their own business, a practice arose which, however useful at the time in assisting a change of system, could not long endure. Regulations as to the duties chargeable on certain articles, or for the privileges of certain ships, according as they were built by, or belonged to, particular countries, inducing constant misrepresentation and tending to create grave differences between nations, were soon found to be neither the best nor the wisest means for producing economic



or friendly commerce. Moreover, the whole system of treaties so constructed was attended with a mode of bargaining, in which the clever diplomatist might frequently gain unfair advantages for the people he represented. Such a course of action was so obviously undignified in the conduct of national affairs, that all merchants of high standing in different countries at length protested against it. Statesmen, also, began to discover that, as a rule, it was better for commerce to flow on with no interference from treaties or other legislation—that, as a matter of fact, it prospers best unaided; and, further, that such a state of things, while unsatisfactory so far as the intercourse between nations is concerned, was also discreditable, alike to the nations entertaining such propositions, and to the ministers or officers by whom they were proposed.

As the whole of the treaties, with their numerous protocols and appendices, their labyrinths of “clever clauses” and mysterious paragraphs, have been published,<sup>1</sup> and can be examined by those of my readers who are interested in such diplomatic intricacies, it is only necessary to give here the general purport of them, as I shall have occasion to notice, hereafter, in reviewing the progress of merchant shipping, those more directly affecting that interest; but, that my readers may understand more clearly the nature of these treaties, I furnish the text of that with France.<sup>2</sup> It gives the general conditions embodied in such documents, and the extent of the concessions England was prepared to make with those countries which were willing to reciprocate with her.

The results of these “Reciprocity Treaties,” how-

<sup>1</sup> Hertslet's Treaties.

<sup>2</sup> Appendix, No. I., p. 563.

Reciprocity  
treaties  
only,  
partially,  
of value,

ever, as shown in the note,<sup>1</sup> were, for the time, satisfactory to both countries, in so far as they materially tended to increase intercourse, while they, certainly, proved advantageous, in the long run, to the shipowners of England. But they were full of inconsistencies, and, as the trade between nations increased, it became simply impossible to carry them out satisfactorily.

Nor was it, indeed, likely that people of different nations, who had been thus far "educated" to the advantages derivable from free intercourse, would continue to endure the absurd clauses of treaties prohibiting them from using corn, cotton, sugar, and numerous other necessities of life, piled in heaps as these often were in their stores and warehouses, merely because they had been imported in other ships than those of Great Britain, or of the countries where they had been produced.

and do not  
check the  
anomalies  
of Protec-  
tion.

The fact was, that while these treaties did create a sort of uniformity before unknown, and so far increased the facilities of intercourse, they did not obviate the most glaring hardships and inconveniences of the previous system of protection. An American vessel, for instance, might bring American cotton to England direct; but if this cotton had been landed at any foreign port, neither the ships of that country nor of any other could have conveyed it

<sup>1</sup> In 1814 there were entered inwards 1,290,248 tons of British shipping, and 599,287 tons of foreign shipping.

In 1824 there were entered inwards 1,797,320 tons of British shipping, and 759,441 tons of foreign shipping.

In 1846 there were entered inwards 4,294,733 tons of British shipping, and 1,806,282 tons of foreign shipping.

The clearances at the respective dates were about the same in amount and proportion.

thence to our shores; while the corn of Russia, if landed in Prussia, or in the ports of any other nation, was prohibited in England, however great might be the demand for it at the time.

Nevertheless, when it was first proposed in 1821 to allow British ships to import non-prohibited articles from any part of the world, the proposal was, for the time, effectually resisted by our shipowners, on the plea that the cheaply built and navigated vessels of other countries would carry the produce of America and Asia into continental ports, and leave to British ships only the small profit to be derived from its conveyance across the English Channel!

But though it was abundantly clear that great changes were necessary beyond the treaties which had been effected (an enlightened class of merchants and manufacturers having now arisen who required that they should be entirely unfettered in the conduct of their own affairs, and that they should be at liberty to import and export whence, whither, and how they pleased) it was no easy thing to induce Government even to consider the advisability of taking a further step in advance and repealing laws so long in force. No important changes were, therefore, contemplated until 1844, when a Committee of the House of Commons was appointed to inquire into the working of those treaties and the condition of the commercial marine of the country: indeed, the appointment of even this Committee appears to have originated from complaints preferred by our shipowners, as one of the duties imposed upon it was the consideration of the best mode of encouraging and extending the employment of British

Committee  
of 1844-5  
promoted  
by the  
Ship-  
owners,

who seek  
protection  
against  
Colonial  
shipping.

shipping. Curiously enough, the chief complaint of the shipowners, in this instance, was against the privileges granted to colonial-built ships, the owners of which were, of course, on the same footing as those of vessels built in the United Kingdom. It was alleged that the latter, as costing a great deal more, were unable to compete successfully with the less costly ships of North America, and, therefore, legislative protection was sought, on the ground that the competition of these ships had materially lowered the rates of freight.

The Committee of 1844 was appointed at the instance of Mr. Lyall, a shipowner, and one of the Members for London; and, although it sat during the whole Session, it reported that, from unforeseen circumstances, it had been prevented from going fully into the matter, and requested re-appointment in the following Session, which was acceded to. But, as about this time, after a long period of depression, prosperity returned to the shipping interest, employment for ships having become better, while, in many important trades, the rates of freight had advanced, the inquiry by the Committee, under such auspicious circumstances, was allowed to drop. It was, however, plain enough from the temper of Parliament, that no recurrence would be permitted to anti-colonial protective measures.

Reciprocity must  
lead to  
free navigation.

The General Shipowners' Society<sup>1</sup> attributed this prosperity to the guano trade, which had recently arisen on the coast of Africa; but other and *far* more influential causes had been at work. The treaties of reciprocity had, with all their imperfec-

<sup>1</sup> See these Reports of 16th July, 1845.



tions, no doubt, tended materially to increase our intercourse with foreign nations, while the admission of their ships to our own ports, strange as it may appear, had greatly increased the employment for our own. Though our shipowners resolutely denied that these measures had anything whatever to do with the increased prosperity, more enlightened men had arrived at entirely different conclusions, and were convinced that the policy of reciprocity, however unsatisfactory in many respects, was not merely a step in the right direction, but was the best, and perhaps then the only, mode of breaking down, bit by bit, the huge fabric of protection, the growth of more than two centuries : indeed, it was clear that the "Great Maritime Charter of England," as the Act of Cromwell had been somewhat ostentatiously denominated, could only be destroyed by degrees. This vast tree, if it may be so described, had taken too deep root in the soil of England to be overthrown at one blow ; and the Reciprocity Treaties undoubtedly served as wedges for its destruction.

In the meantime, Sir Robert Peel had made great changes in the Tariff. Commencing with the coarser sorts of manufactures, he had relinquished all duties on the importation of wool, linen, and cotton, and had reduced the duties on the finer qualities of the same goods from twenty to ten per cent., and on manufactured silks from thirty to fifteen per cent., making equally important reductions in the duties imposed on various other articles.

But a new class of men had now arisen to extend the principles of Free-trade, and to force home the wedges of unfettered commerce with heavier blows

New Class  
of States-  
men,

well supported by the People outside.

than Canning, Huskisson, or even Peel, had ever done. The people, led in this instance by men from among themselves, of the industrial classes; and, guided by the voice of Wisdom, were now trumpet-tongued proclaiming their rights and demanding justice, on conditions which, however large, were yet so unanswerable, that, before long, the proudest of our aristocracy and the most exalted of our statesmen paid their homage to the "unadorned eloquence" resounding throughout the land.

Exertions of Lord John Russell,

Though Lord John Russell, an honest adherent from his youth to the enlightened policy of Charles James Fox, followed in their footsteps, and struggled onwards amid innumerable difficulties, it was impossible for him to force his way, almost alone against the class to which he belonged, and through the rank grass and tangled brushwood which surrounded this huge old tree. Indeed, almost every member of the ancient aristocracy except himself was opposed to the course he had resolved to pursue; and although the Parliamentary Reform Bill of 1832 carried on his motion, and, in a great measure, by his early and unwearied exertions, had returned to the House of Commons many men ready to render him every assistance, the power of that House was still insufficient to effect, to anything like the extent he had in view, the laudable and, indeed, noble object of his ambition, a thoroughly unfettered commerce. On the people, however, he could fully rely: they were now inquiring more earnestly than they had ever done how it was that the food necessary for their existence was so heavily taxed, and why they were not allowed to buy that food where they

pleased, and to import it on the most economical terms. If their knowledge of geography, as they were sometimes sneeringly told, extended no further than what they had learned from the Sacred writings, that grand old historical record taught them, that Egypt produced grain at less cost and in far greater abundance, than England; so great, indeed, that its granaries had once supplied the wants of Rome and of the Ancient World. When, therefore, they learned that that grain could not be had, because a comparatively small number of men—landowners and ship-owners—who, from their wealth, exercising great influence in Parliament, were of opinion that the importation of food from other and cheaper countries meant ruin to them, the people, in mass, unequivocally desired to know, in a more detailed and more satisfactory manner than they had hitherto been told, “*the reasons Why.*” The question they had now asked, through their leaders, was one which demanded an answer. First promulgated in the workshops of Lancashire, it spread in all directions. It was whispered in Belgravia; loudly proclaimed by the toiling millions; talked about by the cottagers in every valley and by the shepherds on every hillside; till, at length, it was adopted, in the most earnest manner, by the middle classes, the bone and sinew of Great Britain.

With such overwhelming aid, Lord Russell and his exploring party were enabled to penetrate the dense forest of protection, and reach the roots of the huge and rank old tree, which not merely overshadowed the rich soil of their native land, but spread its branches over their seaports, so as to prevent the importation from other lands of articles necessary for

who leads  
the way  
against  
Protection.

their existence. They saw that, under its shadow, no herbs grew except such as, from their position, were favoured by a ray of the hazy sunlight of protection; healthy shrubs, luxuriant in their nature, withered and decayed wherever its branches extended.

Richard  
Cobden  
and the  
Anti-  
Corn-Law  
League

The chief of the new class of politicians, who had arisen was no common man: he was one whose clear judgment, while it embraced existing wants, penetrated far into the future. Richard Cobden, the son of a Sussex yeoman, and, practically, one of themselves, who had been trained to commerce,<sup>1</sup> saw perhaps more clearly than any one else the pernicious

<sup>1</sup> I first became intimate with Cobden in 1852, and our friendship continued unbroken until his untimely death in 1865. He was the most agreeable companion, and the most convincing reasoner I ever met. Though his name has long been a household word, yet as his life has not been written (I hope it may soon be given to the world), many of my readers may not be aware of his *career as a man of business*. He was often my companion for days together where I now pen these notes, and, though I possess many pleasing reminiscences in connexion with his most useful life and numerous letters from him, for he had the pen of a ready writer, I prefer leaving these to be dealt with by his biographer, when his executors consider that the time has arrived to publish his life. But I think I ought not to withhold from my readers the account he gave me of his commercial career, more especially as an erroneous impression prevails in public that, though great as a statesman, he was unsuccessful as a man of business. This letter referred to the question of Limited Liability which we had frequently discussed. It is written in his happiest style; and if I could to advantage (but I cannot), I would not alter a single word. "It is singular," he remarks in another letter of his now before me, approving of some comments I had made, "how much better we all write when we are expressing ourselves with unrestrained freedom to a friend, than when we are polishing off our sentences for the great public. I find it always in my own case, and the reason is simply that we are more *natural*, and therefore kindle a warmer sympathy in the breast of the reader. It is this which makes the private memoirs and correspondence of great men much more interesting than their public performances." For these reasons, I venture to give to the public the letter he writes about himself and his business career unaltered, except where I have omitted the names of two noble Lords still living.



effects of all protective laws. Supported by an overwhelming array of facts, he arranged them in a manner so clear, and made them known in so

“ MY DEAR LINDSAY,

“ Midhurst, 24<sup>th</sup> March, 1856.

“ I can see no flaw in your indictment, and do not think there is a shade of difference in our views upon partnership matters. But I would rather talk than write to you on the subject. It has always appeared to me that the fundamental fallacy which overrules all the objections to limited liability is the fear that capitalists will not be able to take care of their money without a little help from Parliament. I think they may be safely trusted. You and I agree also in the practical view of the question—that legislators and theorists overrate the extent to which the actual possession of capital affords a guarantee to the creditor. It is the character, experience, and connexions of the man wanting credit, his knowledge of his business, and opportunities of making it available in the struggle of life, that weigh with the shrewd capitalists far more than the actual command of a few thousands more or less of money in hand. I began business in partnership with two other young men, and we only mustered a thousand pounds amongst us, and more than half of it was borrowed. We all got on the ‘Peveril’ coach, and went from London to Manchester in the, at that day, marvellously short space of twenty hours. We were literally so ignorant of Manchester houses that we called for a directory at the hotel, and turned to the list of ‘calico printers,’ theirs being the business with which we were acquainted, and they being the people from whom we felt confident we could obtain credit. And why? Because we knew we should be able to satisfy them that we had advantages from our large connexions, our knowledge of the best branch of the business in London, and our superior taste in design, which would insure success. We introduced ourselves to Fort Brothers and Co., a rich house, and told our tale, honestly concealing nothing. In less than two years from 1830 we owed them forty thousand pounds for goods which they had sent to us in Watling Street, upon no other security than our characters and knowledge of our business. I frequently talked with them in later times upon the great confidence they showed in men who avowed that they were not possessed of 200*l.* each. Their answer was that they would always prefer to trust young men with connexions and with a knowledge of their trade, if they knew them to possess character and ability, to those who started with capital without these advantages, and that they had acted on this principle successfully *in all parts of the world*. We did not disappoint them or ourselves. In 1834–1835 our stock takings showed a net balance of 20,000*l.* a year profit. Then I began to write pamphlets and to talk politics, and from that moment I ceased to make money, and in 1846, when the League finished its

pleasing and homely a style of eloquence, as to command attention and carry conviction to every man who was open to reason. In a word, he was the first to thoroughly convince the people of Great Britain that they had a *right* to be allowed to purchase the necessaries of life wherever they could obtain them, and to dispose of their manufactures wherever they could sell them, on the most advantageous terms.

labours, my children must have been beggars, had not my neighbours, who knew my circumstances, originated the subscription which restored me independence. I took the money without shame, because I had earned it. If money had been my sole object in life I should have been a more successful man by sticking to my calicoes, for my partners have grown richer than I by doing so, and young men taken into the concern since I left have made fortunes. I may add that the original formation of the partnership, and the whole scheme of the business, sprung exclusively from myself. But what has this to do with your bill? I never detect myself falling into a twaddle about things personal and past without suspecting that I am growing old and garrulous. I doubt the policy of your presenting a bill to the House. Your strength lies in your principle—*perfect freedom*—which you can argue with more force when not compelled to enter upon details. If you have any suggestions as to the clauses of the Bill, would it not be better to do as you did with the Shipping Bill by giving the Board of Trade the benefit of your hints? It may be necessary to concede something for the sake of carrying any measure, but I doubt whether any concession, beyond a registration, which may be shown to be a convenience to all parties, will not be unsoundness. If it be necessary to tamper with sound principles for the sake of pleasing the Lords, let the proposal come from their party. I suspect we shall be weaker in both Houses in dealing with the question of private partnership upon free-trade principles than with that of Joint Stock Associations. Upon the latter question, people of the — and — school of political economy, whose principles are, if pushed home, a little socialistic, took a great interest, because they have an amiable faith in the power of association amongst the working classes. But I doubt whether they will throw much zeal into the question of private partnership. By the way, don't put the question in the House in the form of a problem A. B. C. D. &c. It does in a written argument, and even then demands a severe attention; but I find that that mode of stating the case in the House does not succeed.

"I shall be happy to renew the discussion when we meet, and remain very sincerely yours,

"RD. COBDEN."

In directing the attention of the masses to this all-important question he sought the aid of men who had sprung from the people and had been trained to commerce; and he found many able and truly earnest colleagues, but none more so than John Bright,<sup>John Bright.</sup> a man of greater, though perhaps not more convincing eloquence than his own, who like himself had no object in view, as the whole experience of his life has proved, than the good of his country. While Cobden and Bright proclaimed, with overwhelming force, the policy of Charles James Fox, which Huskisson and Canning had first practically put in operation, and which Lord John Russell was now zealously pursuing in Parliament,<sup>1</sup> an Association, under their leadership, was being formed out of doors destined to give the fullest freedom to commerce. The first object of the Anti-Corn-Law League was to lower the price of bread, which with every deficient harvest approached a famine price, and thus enable the working classes of every grade to compete with greater prospects of success and to the best advantage, in the production of those articles most in demand in their own and other countries, and, at the same time, to secure them more steady employment and a higher rate of wages. With this object, its members set themselves heartily to work, proclaiming their views at public meetings in almost every city and town in Great Britain, and, in the course of their labours, making many converts to their policy among the higher classes, among whom Charles

<sup>1</sup> Though not within the province of this work, it should be remembered that Fox stoutly opposed Pitt's great Free-trade Treaty with France, in 1756, and that Lord John Russell did not come out as a thorough and earnest Free-trader until 1840-41.

Villiers ought to take high rank, for he was unwearied in his exertions on behalf of the people. Nor did they lack some associates among even the shipowners of England, who, seeing that the free importation of corn from other countries would afford greatly increased employment for their ships, readily joined the league. It is certain, however, that many of this class did not at the time perceive that, though the immediate object of the association was to cut down the chief branch of the huge old tree of protection, other branches, such as those interfering with free navigation, must likewise be pulled down as the supplement to free importation of corn: probably they did not reflect that, should the Free-traders abolish the protection then afforded to the proprietors of land, a protective system for the maritime interest alone could no longer be maintained.

Effect of  
the Irish  
famine,  
1845-6.

But an event happened which, although in itself a grievous national misfortune, brought about, at an earlier period than might otherwise have been the case, the abolition of the Corn Laws, as well as the suspension, for a time, of the Navigation Laws. This calamity was the failure of the potato crop in Ireland in 1845 by "a pestilence so minute that it eluded the power of the finest microscope, so mysterious that it defied the researches of the most searching philosophy, but strong enough to overturn governments, general enough to alter established commerce, powerful enough to cause the migration of nations."<sup>1</sup>

The whole crop of potatoes in Ireland having been destroyed, the price of grain rose at one bound from 45s. 9d. to 60s. the quarter, and Cabinet

<sup>1</sup> Alison's 'History of Europe,' vol. vii. p. 168.



Councils assembled in November to consider the propriety of throwing open the ports of the United Kingdom. As the Cabinet was divided on the subject, Sir Robert Peel, impressed with the dangers of the approaching crisis, resigned office, and Lord John Russell, whose celebrated letter on that occasion must long be remembered, was called upon to form a new Administration; but personal jealousy among the Whigs<sup>1</sup>—a jealousy which lasted many years—prevented the formation of a ministry by the opposition party. Nor was Lord Stanley, who had been a member of Sir Robert Peel's Cabinet, more successful in a similar attempt: hence, with the exception of his Lordship, the members of that Cabinet resumed their former places.

On the 4th December, 1845, it was intimated through the 'Times' newspaper, which had for some months previously avoided the question of total repeal, that Sir Robert Peel would propose the entire abolition of the Corn Laws. The Queen's speech, as well as the speech of Sir Robert Peel on the Address, more distinctly announced the policy of the reconstructed Administration, and, having called attention to the measures of commercial reform already adopted, which had tended so materially to the greatness of this country and the welfare and happiness of its inhabitants,<sup>2</sup> he called on the agri-

<sup>1</sup> This difference reached its climax in 1845, when Lord Grey wished to exclude Lord Palmerston from the Foreign Office, and Lord Russell insisted on his being nominated for that department.

<sup>2</sup> The exports of Great Britain rose from 47,000,000*l.* in 1842 to 60,000,000*l.* in 1845, and the imports from 65,000,000*l.* to 85,000,000*l.*, and, in the same period, the entries of British mercantile shipping rose from 4,627,440 tons to 6,031,557 tons. (See Porter's 'Progress of the Nation.')

culturists to submit to some sacrifice on their part, proposing a sliding-scale of duties on corn until February 1849, with the condition, however, that wheat and other cereal produce should, after that date, be imported from foreign countries at a duty of 1s. a quarter.

Sir Robert Peel carries the Repeal of the Corn Laws, and resigns.

It is not the province of this work to describe the struggles of parties during this momentous period, and it is therefore sufficient to state that the measures of Sir Robert Peel, supported as they were out of doors by the vigorous action of the Anti-Corn-Law League, and in Parliament by the Liberal party, were carried by large majorities through the Commons and were, ultimately, passed by the Lords. But, meantime the Irish Arms Bill had furnished the Opposition with a temporary accession of members to defeat that measure, and consequently with the means of overthrowing Sir Robert's Administration, so that the night of his triumph on the great question of the repeal of the Corn Laws was a witness also of his downfall; and, in the records of the debates of that ever-memorable evening, may be read the words now so familiar to our ears:—"It may be," he remarked, in his concluding speech, "that I shall be sometimes remembered with goodwill in those places which are the abodes of men whose lot it is to labour and earn their daily bread by the sweat of their brow; in such places, perhaps, my name may be remembered with expressions of goodwill, when those who inhabit them recruit their exhausted strength with abundant and untaxed food, the sweeter because no longer leavened with the spirit of injustice."

## CHAPTER IV.

Lord John Russell's first steps as Prime Minister: the Equalization of the Sugar Duties—He suspends the Navigation Laws, January 1847—Mr. Ricardo's motion, February 1847—Reply of Mr. Liddell—Mr. Ricardo's motion carried—Committee appointed, February 1847—Meeting of the shipowners, August 12, 1847—Their arguments—What constitutes "British ships"—State of Navigation Laws in 1847—Rules in force in the Plantation Trade—Their rigorous character—Their history from 1660 to 1847—First infringement of the principle of confining the American trade to British vessels—Absurdity and impotency of these laws—State of the law before the Declaration of American Independence—Trade with Europe—Modifications of the law—East India Trade and shipping—Trade with India in foreign and in United States ships even from English ports—Coasting trade—Summary of the Navigation Laws.

THE first measure introduced by Lord John Russell, when he succeeded Sir Robert Peel as Prime Minister, —the equalization of the Sugar Duties—was one almost as important to the interests of merchant shipping as the repeal of the Corn Laws. A change so great, affecting, indirectly, the general as well as the fiscal policy of the empire, was even more remarkable than the abolition of the Corn Laws. It was strenuously opposed by the Protectionist party, but Sir Robert Peel, having given his support to Government, the Bill was carried by a large majority.

Lord  
John  
Russell's  
first steps  
as Prime  
Minister:  
the Equal-  
ization of  
the Sugar  
Duties.

Suspends  
the Navi-  
gation  
Laws,  
January  
1847.

This measure in itself afforded much additional employment to shipping; and in the course of the debate upon it, Lord John Russell made the memorable declaration that he “did not propose in any respect to alter the existing Navigation Laws.”<sup>1</sup> He was, however, obliged immediately afterwards to suspend the operation of these Laws till the 1st September following, so as to facilitate the importation of grain and flour. Indeed, some such measure was absolutely necessary, as the crops of Germany and France had in many instances failed, and the French Government had also been compelled to suspend for a time their Navigation Laws, in order to obtain supplies of food from other countries.

As the necessity of increasing, at all events for a limited period, the facilities for importing grain from foreign countries and the admission of sugar more freely into breweries and distilleries, so as to augment the supply of food, had been pointed out in the Royal Speech, no opposition was offered to this temporary suspension of the Navigation Laws; but it was

<sup>1</sup> I daresay at that time Lord Russell had not studied the question sufficiently. I arrive at this conclusion from a note I received from his Lordship in the present year (1875), in which he says, referring to the repeal of the Navigation Laws:—“I felt convinced by the reasoning of all writers, of whom the present Chancellor of the Exchequer, Sir Stafford Northcote, was one of the most able, that the Navigation Laws ought to be repealed. I was not frightened by Lord Derby’s sinister predictions, and events have proved me right.” Sir Stafford Northcote at the time was, I think, private secretary to Mr. Labouchere, the President of the Board of Trade under Lord John Russell’s Administration, and it is curious to learn that his Lordship, then the Prime Minister and leader of the great Whig party, should have been made a convert to the necessity of *further* progress by the young Conservative. Of course these writings could not have been read by Lord Russell at the time when he made the “declaration” to which I refer in the text.



stoutly maintained by the Protectionists that the suspension must be limited to the period fixed in the Bill. The Free-traders, however, on the other hand, could not see the necessity of any limitation, and, though the Ministry did not feel strong enough to undertake the task of a total abolition of the Navigation Laws, one of its principal supporters gave notice that, on an early day, he would formally call the attention of Parliament to this important subject.

Accordingly, on the 9th February, 1847, Mr. John Lewis Ricardo brought forward his motion,<sup>1</sup> "That a Select Committee be appointed to inquire into the operation and policy of the Navigation Laws." Intense interest was excited among shipowners; the fact of Mr. Ricardo proposing the motion was deemed highly ominous, as he was known to hold very advanced opinions on Free-trade, and to be prepared

Mr.  
Ricardo's  
motion,  
February  
1847.

<sup>1</sup> It seems worth while to give here in a note the dates of the several steps taken in the repeal of the Navigation Laws, with the references to *Hansard*, where the several speeches can be consulted :—

1. Committee moved for by Mr. Ricardo, February 9, 1847. (*Hansard*, lxxxix. p. 1007.) Carried by 155 to 94. Committee appointed February 16. 2. Lord John Russell proposes to suspend Navigation Laws with reference to the importation of corn, June 14. (*Ibid.*, xciii. p. 472.) 3. Discussion on Navigation Bill, July 2. (*Ibid.*, p. 1138.) 4. Motion of the Earl of Hardwicke for a Committee, February 25, 1848. (*Ibid.*, xevi. p. 1313.) 5. Committee of whole House on Navigation Bill, May 15, 1848. (*Ibid.*, xeviii. p. 988.) 6. Motion of Mr. Herries in reply to Mr. Labouchere, May 29, 1848. (*Ibid.*, xcix. p. 9.) 7. After five nights' debate Mr. Labouchere's motion is carried by 299 to 177, June 9, 1848. (*Ibid.*, p. 664.) 8. Mr. Labouchere moves resolution for Navigation Bill, February 14, 1849 (*Ibid.*, cii. p. 682), which is agreed to (*Ibid.*, p. 741). The Bill is read a first time, February 16. (*Ibid.*, p. 759.) 9. Second reading, March 9, 1849 (*Ibid.*, cii. p. 464), which is carried, March 12, by 266 to 210. (*Ibid.*, p. 625.) 10. Third reading, April 23 (*Ibid.*, civ. p. 622), and Bill carried by 275 to 214 (*Ibid.*, p. 702). 11. Bill introduced into the House of Lords, May 7. (*Ibid.*, p. 1316.) Carried May 9, by 173 to 163. (*Ibid.*, cv. p. 83.)

to go further in that direction than perhaps any other member of the House. He was, indeed, at that time, one of the most formidable exponents of the Free-trade doctrines. His speech,<sup>1</sup> delivered in a tone of much confidence, propounded, as indisputable facts, what were then rather startling assertions. After briefly recapitulating the history of the Navigation Act, which had been held to be perfect till 1821-22, he pointed out that Mr. Wallace in those years, and Mr. Huskisson in 1824-25, had broken into the exclusive principle on which the Navigation Act rested. He then referred, at great length, to the labours of the Committee on British Shipping in 1844, and boldly asserted that that inquiry was instituted by the shipowners to prove the efficacy of the existing laws, and was allowed to drop because they had no case for further encouragement. He specially singled out the opinions of the late Mr. Joseph Somes, one of the largest shipowners of that time, who went so far as to demand a tax on Colonial shipping; and he successfully combatted this by contending that the colonists already suffered severely by the Navigation Laws. Millions upon millions, he said, were spent upon internal communications;<sup>2</sup> Parliament was looking with great jealousy lest a half-penny or a penny too much should be charged for inland transit; yet, when goods arrived by sea, there was a law which increased the cost of carriage over the greater part of their journey. He then referred to the opinions expressed by Mr. G. F. Young, one

<sup>1</sup> Hansard, February 9, 1847, p. 1007.

<sup>2</sup> The preceding eighteen months had seen the height of the railway mania.

of the leading opponents of any change in the laws of shipping, who had also advocated a tax on Colonial vessels, stating, in his evidence in 1844-45, that he "considered the whole system of Navigation Laws as relating more to the encouragement of maritime commerce than to any other object, and that, therefore, many sacrifices of pecuniary interests ought to be made for it," adding, "I have no doubt that private interests ought to be sacrificed for the general interests of the country. If the Legislature should decide that it was no longer necessary to keep up the Navigation Laws as a means of national security, no doubt the consumers of foreign articles could purchase at a cheaper rate, since this would be the natural consequence of admitting imports in the ships of foreign nations."

Fortified by these quotations from his opponent's evidence, Mr. Ricardo boldly came to the point by asserting it must be clear that, by every ton of shipping driven from the ports of England, there was lost the benefit of the sale of an equivalent amount of our merchandise, and that, thereby, our workmen were deprived of their wages, our manufacturers of their profit, and our Government of revenue. If the Spaniards wanted earthenware, the French sugar, and we wine, "why on earth," he exclaimed, "should we forbid the natural course of the transaction!" He pointed out the roundabout and expensive way whereby such exchanges of produce must be carried,<sup>1</sup> instancing a case where American

<sup>1</sup> The Spaniard, he said, would take in a cargo of sugar at Cuba which he would deliver at a *French* port, and take in wine for us; but *we* had so arranged that when he arrived at our ports he would be met

hides brought from Marseilles to Rotterdam, not finding a market there, were taken back to Marseilles; and when sent thence to Liverpool, were seized as imported in a French bottom, and released only on the condition that they should be sent back to New York! Such interruptions of commerce, Mr. Ricardo rightly contended, were alike inconvenient and wasteful. He next pointed out discrepancies in the working of the Act, with the various Orders in Council made under it, asserting, at the same time, that freights were artificially enhanced by protection. He espoused, too, the cause of the colonists, who now demanded as a matter of justice, that trade should be as free in shipping as it was in sugar. Could, Mr. Ricardo demanded, any ground of political expediency or any national advantage be shown to justify the retention of these laws? He admitted that the authority of Adam Smith would be adduced against

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by a custom-house officer, who would tell him that he could not be permitted to land his cargo. "Why?" the Spaniard would inquire. "I understood you wanted wine." "So we do," the officer would reply. Then the Spaniard would say, "I will exchange my wine for your earthenware." "That will not do," replies the officer. "It must be brought by Frenchmen on a French ship." "But the French do not want your earthenware" (<sup>a</sup>). "We cannot help that;" we must not let you violate our Navigation Laws" (<sup>b</sup>).

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(<sup>a</sup>) They did very much; for Mr. Garratt, the partner of Alderman Copeland, said at the time to a friend of mine, that he would ruin every earthenware potter in France if they would allow British earthenware to be admitted free of duty.

(<sup>b</sup>) The Spaniard was no doubt under a misapprehension. The *French wines* could *not* have been brought into our ports in a *Spanish ship*; wine being an enumerated article which was excluded, "except in *British ships*, or ships of the country of which the goods are the produce." (8 & 9 Vict., cap. 83, s. 2.)



him,<sup>1</sup> but denied that Adam Smith had brought forward evidence to support his argument. He allowed that a defensive navy was of the first importance for the welfare of the country, and that the commercial marine was the nucleus and nursery of that branch of the public service; but he emphatically contended that the way to encourage the commercial navy was to free the commerce of the country from all restrictions, impediments, and obstructions. He held that England could compete successfully with the United States and all the world in building ships, and he produced a variety of statistical statements showing the difference between protected and unprotected tonnage, one of which is especially worthy of notice.<sup>2</sup>

<sup>1</sup> We give the words of Adam Smith, p. 203 *et seq.* of his 'Wealth of Nations,' by McCulloch. *Ed.* 1850. "There seem to be two cases in which it will be advantageous to lay some burden upon foreign for the encouragement of domestic industry. The first is, when some particular sort of industry is necessary for the defence of the country. The defence of Great Britain, for example, depends very much upon the number of its sailors and shipping. The Act of Navigation, therefore, very properly endeavours to give the sailors and shipping of Great Britain the monopoly of the trade of their own country, in some cases by absolute prohibition, and in others by heavy burdens upon the shipping of foreign countries." Adam Smith, at great length, expounds the principle of the Navigation Laws, admitting at the same time that they are not favourable to the growth of the opulence arising from foreign commerce. "As defence, however," he adds, "is of much more importance than opulence, the Act of Navigation is perhaps the wisest of all the commercial regulations of England."

In another passage, Adam Smith says: "To expect, indeed, that freedom of trade should ever be entirely restored in Great Britain, is as absurd as to expect that an Oceana or Utopia should ever be established in it." P. 207. Same Edition.

<sup>2</sup> The first return of vessels engaged in the colonial trade refers to a year when protection (with the exception of the few Reciprocity Treaties then in force) was at its height; and the second to a year when it had been greatly relaxed. It ran thus:—

"These facts," added Mr. Ricardo, "speak for themselves, showing the unprotected tonnage has just doubled the increase of the protected tonnage." He concluded by remarking that commerce was the parent of the merchant marine, and that if the parent were nourished the child would flourish.

Mr. Thomas Milner Gibson, then Vice-President of the Board of Trade, with whose concurrence the motion had been made, gave the Government's sanction to the motion, and recommended on their part that the Committee should be appointed. His proposal, however, was strongly opposed by the Hon. H. T. Liddell (now Earl Ravensworth), who asked what could be gained by a Committee, as the Navigation Laws were already suspended until the 1st of September next. He quoted the opinion of Mr. Huskisson,<sup>1</sup> who, in making certain recommendations

Reply of  
Mr.  
Liddell.

					Inward. Tons.		Outward. Tons.
1826	..	Protected	..	..	939,321	..	839,558
		Unprotected	..	..	1,011,309	..	897,867
		Total	..	..	1,950,630	..	1,737,425
1844	..	Protected	..	..	1,460,882	..	1,551,251
		Unprotected	..	..	2,186,581	..	2,301,571
		Total	..	..	3,647,463	..	3,852,822

In 1826 the total amount inwards and outwards, }  
protected, was .. .. . } 1,778,879

In 1844 Ditto ditto .. 3,012,133

Showing an increase of 1,233,254 tons, or 69·32 per cent.

In 1826 the total amount inwards and outwards, }  
unprotected, was .. .. . } 1,909,176

In 1844 Ditto ditto .. 4,448,152

Showing an increase of 2,578,976 tons, or 135·07 per cent.

<sup>1</sup> The speech in question (an admirable one) was delivered 12th May, 1826. *Vide* Hansard, 'Navigation Laws,' vol. xv. p. 1144.

with relation to the reciprocity treaties, had said : “The object of the Navigation Laws was twofold : first, to create and maintain the great commercial marine of this country for the purposes of national defence ; and secondly, an object not less important in the eyes of statesmen, to prevent any one other nation from engrossing too large a portion of the navigation of the world.” Mr. Huskisson, he stated, held that, in those two branches of our maritime system, the fisheries and the coasting trade, there appeared no motive for alteration, and that the laws referring to them must remain unchanged, so long as we were desirous of upholding our great commercial marine. With reference to the European trade, he also declared that the altered state of the world compelled England to enter into some new treaties ; that, in so far as exclusion was within their reach, they were bound to grant and enforce a monopoly in favour of the British shipowner—not, indeed, for his especial advantage, but because the commercial marine was the foundation of our naval power, and the maintenance of that power the paramount duty of all governments. It was Mr. Liddell’s opinion, however, that the reciprocity treaties had ever been distasteful to British shipowners, and, that they had suffered in their carrying trade from unequal competition with other countries ; but that it was now too late to think of giving them up or of altering a policy to which the country had pledged itself. With regard to the comparative expenses of British and foreign ships, it suited, he said, the case of the Repealers to make this comparison of expenses with the ships of the United States alone ; but why not look to the Baltic States,

with the trade of which the whole of the eastern parts of this island were directly connected? It was proved; he urged, before a Committee of the House, that the relative cost of a British and Russian ship, both as regards construction and current expenses, was much in favour of the latter, and he called, therefore, on the House not to fritter away the great interests committed to its charge. He, in a long and closely-reasoned speech, strenuously opposed the appointment of the Committee. The motion was supported by Mr. Hume, Mr. Bright, Mr. Labouchere, Lord Sandon, and Mr. Mitchell, and opposed by Lord G. Bentinck, Alderman Thompson, Captain Harris, Mr. Hudson, and Mr. Disraeli; but, Sir Robert Peel having given a very decided opinion in favour of inquiry, and Lord John Russell having supported the proposal on the part of the Government, Mr. Ricardo's motion was carried by 155 to 61.

Mr.  
Ricardo's  
motion  
carried.

Committee  
appointed,  
February  
1847.

This was the first blow aimed with serious effect against the existence of the Navigation Laws; and, though the Free-trade party affected slightly to disguise their intentions by only asking for inquiry, their zealous partisans out of doors made no scruple in avowing that the total abolition of the Navigation Laws was the real object of their agitation. Circumstances connected with this inquiry led the General Body of Shipowners to hold a special meeting on the 12th August, 1847, but, curiously enough, they did not advance a single remark on the increasing activity of their own business, brought about as this had been in a great measure by the legislation to which I have referred. It cannot be questioned that, if British shipowners had suffered severely in previous

Meeting of  
Ship-  
owners'  
Society,  
August  
12, 1847.



years, the reductions in the tariff since 1842, together with the demand for shipping to bring supplies of food for the starving populace of Ireland, had greatly increased their actual business and their future prospects. Nor were other causes wanting to enhance and to ensure this prosperity. A new trade had been developed by the discovery of vast deposits of guano in the islands of the Pacific (of far greater importance than those on the coasts of Africa), and this alone required a large amount of tonnage; while the rapidly increasing consumption of sea-borne coals secured for them another source of remunerative employment. In spite of these obvious advantages, shipowners, however, expressed no feelings of satisfaction, though these new channels of trade afforded them a profitable employment for their vessels: they probably feared that by so doing the Free-traders would at once introduce a measure for the repeal of the Navigation Laws. Nor were their fears groundless. Parliament having thrown out the idea that protection as a principle could not be maintained, the shipowner had to show that his case, as the advocate of maritime commerce generally, was an exception to this rule.

The Shipowners' Society of London alleged, with no mean tact and ability, that their members, as a section of the community, advanced no claim to special privileges, and demanded no exemption on abstract grounds, from any burdens to which other interests were subjected. But they argued that, if for objects of supposed national benefit wherein they had no special advantage, the State imposed on them burdens and restrictions, common justice prescribed

Their arguments.

that they should be protected from the competition of those who were not so tied down, otherwise they would not be able to compete with the shipowners of foreign nations. They further argued, and not without reason, that, by the Registry Laws they were compelled to use the most costly ships in the world; by the Navigation Laws to employ exclusively the highest paid and most expensively fed seamen, those of native birth; and, by a variety of laws, presumed, also, to be of essential importance, they were specially taxed, and, at the same time, were prevented from conducting their pursuits in the way most conducive to their own profit. Clinging, however, tenaciously as they did to the principle of the Navigation Laws, they could hardly expect that their view in favour of protection to their own interest would be entertained; and this, too, at a period when every vessel at their command was fully employed; when they were realizing large profits, and when, indeed, ships could scarcely be found to convey from other countries sufficient food to meet the wants of the people.

The Committee<sup>1</sup> who were appointed on Mr. Ricardo's motion had examined during the session a great number of witnesses, and in the course of their inquiry made no less than five reports, limiting themselves, however, to the evidence taken, the substance of which I shall hereafter lay before my readers.

But before I do so, it is necessary, even at the

<sup>1</sup> The Committee consisted of Mr. Ricardo, Sir Robert Peel, Mr. Mitchell, Mr. Alderman Thompson, Mr. Villiers, Sir Howard Douglas, Admiral Dundas, Mr. Lyall, Mr. McCarthy, Mr. Thomas Baring, Mr. Hume, Mr. Liddell, Sir George Clerk, and Mr. Milner Gibson.

risk of wearying my readers, that I should give the meaning which has been usually attached to "British ships," especially as this has varied in different trades and, from time to time, in the same trade, and explain, in as condensed a manner as possible, the more important changes in the old Navigation Laws, not already noticed or sufficiently described. Originally, a "British ship" was held to be one owned by the people of England, Ireland, &c., or, if built in the Plantations, owned by the people thereof, being British subjects. In 1786, an Act was passed (26 Geo. III., c. 60), by which it was provided for the future that no ships should be entitled to the privilege of "British ships" but such as were British built as well as British owned and navigated; exceptions, however, being made in favour of foreign ships built before May, 1786, and belonging, at that date, to English owners. Ships of this class might engage in all such voyages as were previously open to British-owned ships though not necessarily of British build. From the time that these ships of 1786, or of older date, became worn out, the term "British ship" acquired the sense in which it was used, up to 1847, except as regards the coasting trade, for which this further provision was made, that no foreigner was permitted to serve in her as a seaman.

What constitutes  
"British  
Ships."

It is also necessary to notice the effect of some clauses in the Act of 34 Geo. III., cap. 68, which provided that no ship, registered or required to be registered as a British ship, could import or export any articles whatsoever, unless duly navigated by British subjects. Thus a restriction, previously unknown, was placed on our export trade to foreign parts, and

on the import from Europe of other articles than those enumerated in the Act of Navigation.

On further examination of the Navigation Act, it will be seen that exceptions from its general rules occur in two instances (Levant and East India goods) in favour of certain imports in *British-built* ships; while, in two other instances (Spanish and Portuguese colonial goods, bullion and prize goods), they were in favour of importations in *British-owned* shipping.

Lastly, provision was made in the 10th and 11th sections of the "Act for the Prevention of Frauds" (13 & 14 Car. II., cap. 2) with reference to the purchase of foreign-built ships, and for securing that such ships should be wholly owned by English persons, before they could avail themselves of the privileges conferred by the Act on such ships.

Such were the leading conditions of the "Act of Navigation" so far as regards "British ships;" but the "Statute of Frauds" further enacted (sect. 6, par. 2) that no foreign-built ship (that is to say, no ship built anywhere except in England, &c., or in his Majesty's dominions in Asia, Africa, or America), except ships purchased before a given day and prize ships, should enjoy the privilege of a "British ship," though owned and manned by "British subjects"; and such ships were deemed as aliens' ships, and were liable therefore to all duties applicable to this class of vessels.

By a subsequent Act (15 Car. II., cap. 7, sect. 6) no goods from Europe were to be imported into the British possessions except in British-built shipping; and, by the Plantation Act (7 & 8 Will. III., cap. 22, sect. 2) all importations into, and exportations from,



these possessions must be in British-owned, and British-built, and British-navigated vessels. Prize ships, if British owned, were, and always have been, entitled to the privileges of British vessels; the system of registering vessels having been first prescribed by the last-named Act.

Having thus stated the principles regulating "British ships," I must now proceed to notice in some detail the more important changes in the Navigation Laws.

These Laws, in 1847, resting as they did on the Act of Parliament then in force, so far as regards *The Plantation Trade* provided (*Rule 1*) that "No goods shall be *exported* from the United Kingdom to any British possession in Asia, Africa, or America, nor to the islands of Guernsey, Jersey, Alderney, or Sark, except in British ships" (8 & 9 Vict., cap. 88, sect. 7). But vessels belonging to the United States may carry goods from this country to the principal British settlements in the East Indies (59 Geo. III., cap. 54, sect. 6). The Sovereign had the power to conclude treaties, allowing the same privilege to the ships of other foreign countries, and some such treaties were actually concluded: *e.g.* with Austria and in fact Russia (see 8 & 9 Vict., cap. 90, sect. 9).

State of  
Navigation  
Laws  
in 1847.  
Rules in  
force in  
the Plan-  
tation  
Trade.

*Rule 2.* "No goods shall be carried from any British possession in Asia, Africa, or America, to any other of such possessions, nor from one part of such possessions to another part of the same, except in British ships" (8 & 9 Vict., cap. 88, sect. 10).

*Rule 3.* "No goods shall be *imported* into any British possession in Asia, Africa, or America, in any

foreign ships, unless they be ships of the country producing these goods, and from which they are usually imported”<sup>1</sup> (8 & 9 Vict., cap. 88, sect. 11). But an Order in Council might declare that goods, &c., the growth of any foreign country, might be imported into Hong Kong from the same or any other foreign country, in vessels belonging to the same or any other foreign country, and however navigated (see 8 & 9 Vict., cap. 88, sect. 12).

Her Majesty might also, by Order in Council, declare that goods of any sort, or the produce of any place, not otherwise prohibited by the Law of Navigation, might be imported into any port or ports of the British possessions abroad, to be named in such Order, from any place, *in a British ship*, and from any place not being a part of the British dominions, in a foreign ship of any country, and however navigated, to be warehoused for *exportation* only (8 & 9 Vict., cap. 88, sect. 23).

Their  
rigorous  
character.

*Rule 4.* The privileges of trading allowed to foreign ships under *Rule 3* were limited to the ships of those countries which, *having colonial possessions*, should grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, “shall place the commerce and navigation of this country, and of its possessions abroad, on the footing of the ‘most favoured nation’: unless her Majesty, by Order in Council, shall in any case deem it expedient to grant the whole, or any of such privileges, to the ships of any foreign country, although the conditions aforesaid shall not

<sup>1</sup> This section was originally specially aimed at the Dutch, who had few native productions of their own.

in all respects be fulfilled by such foreign country " (8 & 9 Vict., cap. 93, sect. 4).

*Rule 5.* "No goods shall be *imported* into, nor shall any goods (except the produce of the fisheries, in British ships) be *exported*, from any of the British possessions in America by sea, from or to any place other than the United Kingdom, or some other of such possessions, except into or from the several ports in such possessions called 'Free Ports.'" (See 8 & 9 Vict., cap. 93, sect. 2.) The 62nd section of the Act applied this principle to the Mauritius, as well as to the American possessions; while, under the 90th section, the trade of other colonies was regulated by the Queen. Goods could be imported by inland navigation into any place where there was a custom-house. The rule was not to extend "to prohibit the importation or exportation of goods into or from any ports or places in Newfoundland, or Labrador, in British ships;" and by the 2nd section, certain articles might be imported from Guernsey and Jersey into places where the fishery was carried on, though the same were not free ports. These five rules comprise the Law as it stood in 1847. But it is also as well to give some account of its previous history and its various modifications.

The Act of 1660 established two rules applicable to the Plantation trade, which were deemed of the highest importance to the country: first, that the whole trade of the Plantations should be carried on in "British" ships only; and secondly, that the principal productions of these Plantations should be allowed to be exported only to the mother country, or some other Plantation. A third general rule was intro-

Their  
history  
from 1660  
to 1847.

duced, a year or two later, by the Act of 15 Car. II., cap. 7, sect. 6, viz., that no goods of the produce of Europe should be imported into any of the Plantations in Asia, Africa, or America (except Tangier<sup>1</sup>), in any vessels whatsoever, but such as were *bonâ fide* and without fraud laden and shipped in England, Wales, or the town of Berwick-upon-Tweed, in English-built vessels.<sup>2</sup>

In the year 1825, on the general consolidation of the Customs Laws, the above limitations of the right of exportation were removed, and the law with regard to the *Plantation trade* was placed nearly on the footing on which it stood in 1847. In fact, the further consolidations of 1833 and 1845 made little change in the previous regulations. With regard to *Rule 3*, viz., that goods, the produce of Europe, were only to be imported into the colonies from the United Kingdom, this was subject, originally, to a few exceptions: thus, salt might be taken to the fisheries from any port of Europe; and wines of Madeira and the Azores might be imported thence, &c. A relaxation of the rule was first made in favour of Irish linens, various subsequent alterations having been introduced, till at length, in 1825, the law with reference to such importations was placed on nearly the same footing as prevailed in 1847; that is to say, the importation and exportation of all classes of goods into or from the "Free Ports" in different colonies were,

<sup>1</sup> Tangier, opposite Gibraltar, was at that time an important British possession.

<sup>2</sup> Our space only admits of an abridgment, but the reader will find all details about the Navigation Law in a paper by Mr. J. S. (now Sir John Shaw) Lefevre, published in the Appendix to the Report of the Committee of the House of Commons appointed in 1847.



generally, legalised, subject to certain prohibitions against the importation of particular articles, some of which were afterwards removed, while others (*e.g.* those against pirated books, counterfeit coin, &c., and the restrictions on gunpowder, arms, &c.) remained. A tariff of differential duties on foreign goods, of which duties one-tenth (subsequently increased to one-fourth) was to be remitted, when the goods were imported through an English warehouse, was, at the same date, enforced.

The principle of this tariff and of the practice of remission were retained; but legislation was constantly effecting small changes, to meet the wishes or, rather, the demands of colonial legislatures which perhaps, naturally, looked only to their own interests.

Such may be taken as the intermediate history of the Navigation Law as it affected the Plantation or Colonial trade.

The first decided infringement of the general principle of confining the trade to British ships took place on the conclusion of the treaty with America, the effect of which has been described.

First infringement of the principle of confining the American trade to British vessels.

In 1808, when the King of Portugal emigrated to Brazil, the same privileges, as had been granted to the United States, were extended to the inhabitants of the Portuguese possessions in South America, by the Act (48 Geo. III., cap. 11) which allowed the produce of those territories to be imported thence into Great Britain and Ireland in vessels built in those territories, or made prize by Portuguese ships, and owned and navigated by Portuguese subjects resident in the said territories. After the conclusion of the treaty with Portugal in 1810, a further Act

(51 Geo. III., cap. 47) extended the above facilities to all Portuguese-built vessels or prizes owned and navigated by Portuguese subjects, without requiring that they should be residents in America.

Absurdity  
and impo-  
tency of  
these laws.

On the revision of the Customs Laws in 1822 (3 Geo. IV., cap. 43, sect. 3), the principle and the above exceptions in favour of the United States and Portuguese colonies were preserved, and were further extended to countries in America or the West Indies, being, or having been, under the dominion of Spain. It must be remembered that, as respects the principle that the produce of Asia, Africa, and America was only to be imported into England from the place of its origin, the old law recognised the doctrine of the 5th section of the Navigation Act, that goods *manufactured* in any country should be held to be *the produce of that country*, even though made from materials produced elsewhere.

State of  
the law  
before the  
Declara-  
tion of  
American  
Indepen-  
dence.

At the commencement of the American War of Independence, the chief regulations as to trade, the operations of which have been already described, were that the Americans could neither import nor export in any but British ships; they could not carry important articles of their own produce to any part of Europe other than Great Britain; and they could not import any goods from any part of Europe other than Great Britain.<sup>1</sup>

<sup>1</sup> Those of my readers who are curious to study the laws whereby we hoped to bring the "rebellious colonies to order,"—vain hope!—or who may desire to know how the parent treated its own offspring when the children felt themselves strong enough to do for themselves, may read, as I have done, though perhaps not to much advantage, 14 Geo. III., cap. 19; 15 Geo. III., cap. 18; and 16 Geo. III., cap. 5: all passed in rapid succession under the melancholy delusion that they would have the effect of a Pope's Bull!—and that, too, on an enlightened but oppressed

With regard to the *trade with Europe*, the law in 1847 declared that the several sorts of goods herein-<sup>Trade with Europe.</sup> after enumerated, being the produce of Europe, viz., masts, timber, boards, tar, tallow, hemp, flax, currants, raisins, figs, prunes, olive-oil, corn or grain, wine, brandy, tobacco, wool, shumach, madders, madder-roots, barilla, brimstone, bark of oak, cork, oranges, lemons, linseed, rape-seed and clover-seed, could not be imported into the United Kingdom, *to be used therein*, except in British ships, or in ships of the country of which the goods were the produce, or in ships of the country from which they were usually imported, 8 & 9 Vict., cap. 88, sect. 2. But such goods, not being otherwise prohibited, might, by the 22nd section of that Act, be warehoused for exportation, though brought in other ships; a privilege confirmed by the 3 & 4 Vict., cap. 95.

Some embarrassing questions having, from time to time, arisen as to the right of importing the produce<sup>Modifications of the law.</sup>

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people, who had resolved to govern themselves! My readers may then turn to 23 Geo. III., cap. 26, and 23 Geo. III., cap. 39, where an attempt was made to mend matters by some sort of regulation of trade between the two countries, whereby Great Britain resolved to have the lion's share; and then to 25 Geo. III., cap. 1; 27 Geo. III., cap. 7; and 28 Geo. III., cap. 6, where certain modifications were made, or rather could be made by "Order in Council," and where "thirty enumerated articles" the "growth, produce, or manufactures of the States," might be "carried into the British West Indies from the United States," but then "*only* by British subjects in British ships"! If my readers are disposed to go further—though I cannot recommend the research—into this wretched system of legislation, they may refer to 31 Geo. III. cap. 38, where the Governors of the West India Islands were allowed to relax certain prohibitions "in case of public emergency;" and to 51 Geo. III., cap. 47, sect. 6, and 58 Geo. III., cap. 27, where we seem to have gained a little more wisdom by extending certain "privileges"—*rights* (?)—to an independent and industrious people.

of particular European States in ships built in countries incorporated into those States subsequent to the passing of the Navigation Act, as, for instance, the question whether Prussian produce might be imported in ships built in East Friesland, it was enacted, 22 Geo. III., cap. 78, that the enumerated articles might be imported in ships, the property of subjects under the same sovereign as the country of which goods were the produce, although the country or place where such ship was built or to which it belonged, was not under the dominion of such sovereign at the time of the passing of the Navigation Act. It will be observed that this statute not only effected its immediate purpose of putting the dominions and sovereign of any one country on the same footing in respect to the Navigation Law, but also extended the right of importing, originally confined to ships "built in" the country of export, to ships "belonging to" such country. Several alterations of an unimportant character were made, bearing upon these points; but, in the consolidation of 1825, the proviso was introduced into the Navigation Act, and still retained in 1847, "that the country of every ship shall be deemed to include all places which are under the same dominion as the place to which such ship belongs."

In the meantime, however, the Act of 1822 (3 Geo. IV., cap. 43, sect. 6) had made an important alteration in the law, by allowing importations of the enumerated goods, either in ships of the country of which the goods were the produce, or in ships of the country whence these goods were usually imported. At the same time, the prohibitions against the im-



portation of articles from the Netherlands, Germany, Turkey, and Russia were taken off.<sup>1</sup>

In 1822 tallow and tobacco were also added to the list of enumerated articles: and, since that time, wool, shumach, madder, barilla, brimstone, bark, cork, oranges, lemons, linseed, rape-seed, and clover-seed have likewise been added; while salt, pitch, rosin, potashes, wine, and sugar were struck out.

The only alteration of any consequence in the European trade, since the consolidation of 1825, was that made to carry out the Austrian Treaty of 1838, which will be noticed hereafter.

The trade, however, with the East Indies has always been exceptional, and deserves special notice, as the exclusive right of trading within certain limits, long enjoyed by the Company, together with the peculiar nature of the Company's jurisdiction, produced some anomalies.

The two points most worthy of notice are, first, the concession of the rights of British ships to ships not fulfilling all the usual requisites of the law; and secondly, the admission of certain foreign ships to an equality in some respects with British ships.

On the first point, the statute 21 Geo. III., cap. 65, sect. 33, provided that ships belonging to the East India Company should be held to be British owned, although the Stock of the Company was held by a considerable number of foreigners. Other statutes (35 Geo. III., cap. 118; 42 Geo. III., cap. 20) allowed to ships built within the territories of the Company, or in places in the East Indies under British protection

<sup>1</sup> The grounds of these important modifications of our Navigation System were stated in Mr. Huskisson's Speech, 12th May, 1826.

and owned by the Company, the privileges of British ships in trade with India, though such ships were neither British built nor duly registered. When the exclusive privileges of the Company were broken in upon (53 Geo. III., cap. 155) the same privilege was extended to similarly circumstanced vessels, the property of private individuals, by Order in Council. But when the Registry Laws were extended to India, from this time nothing but British-built ships were to be entitled to the privileges of British vessels (54 Geo. III., cap. 35; 53 Geo. III., cap. 116). Exceptions were made in favour of ships under 350 tons burden, and of others, the property of British subjects, and built or building before 1st January, 1816: but these classes of ships were only to be employed in trade within the limits of the Company's Charter. Subsequent changes were made; and, by the Act 3 & 4 Vict., cap. 56, in force in 1847, the Governor-General in Council had power given him to declare all ships built within the limits of the Charter, and owned by those of Her Majesty's subjects for whom he had power to legislate, entitled to the privileges of British ships within those limits. By the fourth section of the same Act, the Governor-General had, also, the power of conferring the same privileges on ships belonging to States in subordinate alliance, or having subsidiary treaties with the East India Company.

Trade with  
India, in  
Foreign  
and  
United  
States  
Ships,

With regard to the navigation of East India ships, it is sufficient to notice, that, by the 20th section of 4 Geo. IV., cap. 80 (still in force in 1847), as well as by the 17th section of the Navigation Act (8 & 9 Vict., cap. 88), Lascars and other natives of Asia were not

to be deemed British seamen. But by section 21 of the same Act, any number of Lascars might be employed ; provided only that there were four British seamen to every hundred tons of the vessel's burden : by section 23, however, it appears that British seamen need not be employed in certain voyages within the limits of the Charter.

On the subject of privileges granted to vessels of foreign countries in the trade with India, reference must be made to Act 37 Geo. III., cap. 117 (still unrepealed in 1847), which authorised the Directors of the East India Company, subject to the approval of the Board of Control, to make such regulations as they thought fit with respect to the trade to be carried on in ships of countries on friendly terms with England. The case, however, of America was peculiar, in this sense, that her ships were enabled to clear out from English ports to China, while English merchants could not send a British ship to that country ! Thus, the Act of 59 Geo. III., cap. 54, sect. 6, allowed United States ships "to clear out from any port of the United Kingdom for the principal settlements of the *British* dominions in the East Indies,—*videlicet*, Calcutta, Madras, Bombay, and Prince of Wales Island,—with any articles which could be legally exported from the United Kingdom to the said settlements in British-built ships, subject to the same regulations, &c., as applied to British-built ships.

It was under the security of this clause that the traders of the United States sent their vessels to the port of London, to clear out, not for the special ports mentioned in the above Act, but for China, the only exclusive trade at that time retained by the East

even from  
English  
ports.

India Company. Whether the omission of the word China in the Act was an inadvertence, or whether it was, in fact, a violation of the law for United States vessels to go to Canton as well as to the other places within the limits of the Company's Charter detailed in this Act, the authorities of the Board of Trade did not care to distinguish.<sup>1</sup>

Coasting  
Trade.

As regards the COASTING TRADE, the law—8 & 9 Vict., cap. 88, sect. 8—in force in 1847, declared that no goods nor passengers could be carried coastwise from one part of the United Kingdom to another, or from the United Kingdom to the Isle of Man, and *vice versâ*, except in British ships, although the original Navigation Act of 1660 did not prevent foreign-built vessels from engaging in the coasting trade. The prohibition in the ancient Act extended only to such as were *foreign owned*, 12 Car. II., cap. 18, sect. 8. By the Act of 1 James, cap. 18, an extra duty of 5s. per ton for every voyage was laid upon all foreign-built ships engaged in this trade. Subsequently, by 34 Geo. III., cap. 68 (extended to Irish ships by 42 Geo. III., cap. 61), it was enacted, that vessels engaged in the coasting trade should be wholly navigated by British subjects; and this provision was still in force in 1847 by virtue of the definition of a "British ship," given in the 12th section of the Act of 8 & 9 Vict., cap. 88. The absolute restriction of the coasting trade to British-built ships

<sup>1</sup> The Americans acted on the section of the Act, which says, "any articles which may be legally exported from the United Kingdom to the said settlements." Thus Canton was deemed a foreign place with regard to the American Trade; but, in that it was included within the limits of the East India Company's Charter, American vessels could trade there though English vessels could not!



was not introduced till the consolidation in 1825. The trade of the Isle of Man was put on the footing of a coasting trade in 1844.

Such is an abridged history of the law of Navigation during the intermediate period between 1660 and 1847, comprising the four great divisions of the trade and navigation of the United Kingdom.

No one can rise from a study of these laws without a feeling of amazement at the trouble our ancestors gave themselves "to beggar their neighbours," under the erronecus impression which too long prevailed, that, by their ruin, our own prosperity could be most effectively achieved. It is, therefore, not surprising that, under such legislative measures, maritime commerce was for centuries slow in growth, and that British merchants and shipowners frequently suffered quite as much through the instrumentality of laws meant for their protection as their foreign competitors, against whom these regulations were levelled.

For the convenience of reference it may be useful to give before closing this chapter a condensed recapitulation of the principles of these extraordinary laws, as they stood in 1847, so that my readers may more clearly understand the discussions in the Lords and Commons preceding their repeal:—

Summary  
of the  
Navigation  
Laws.

1st. Certain enumerated articles of European produce could only be imported into the United Kingdom, for consumption, in British ships, or in ships of the country of which the goods were the produce, or in ships of the country from which they were usually imported.

2ndly. No produce of Asia, Africa, or America could be imported for consumption into the United

Kingdom from *Europe* in any ships; and such produce could only be imported from any other place in British ships, or in ships of the country of which the goods were the produce and from which they were usually imported.

3rdly. No goods could be carried coastwise from one part of the United Kingdom to another in any but British ships.

4thly. No goods could be exported from the United Kingdom to any of the British possessions in Asia, Africa, or America (with some exceptions with regard to India), in any but British ships.

5thly. No goods could be carried from any one British possession in Asia, Africa, or America to another, nor from one part of such possession to another part of the same in any but British ships.

6thly. No goods could be imported into any British possession in Asia, Africa, or America, in any but British ships, or in ships of the country of which the goods were the produce, provided, also, in such case, that such ships brought the goods from that country.

7thly. No foreign ships were allowed to trade with any of the British possessions unless they had been specially authorised to do so by Order in Council; and

8thly. Powers were given to the Queen in Council which enabled her to impose differential duties on the ships of any foreign country which did the same with reference to British ships; and also to place restrictions on importations from any foreign countries which placed restrictions on British importations into such countries.

It will be remarked, that in the regulations respecting the trade of Europe the restrictions only applied to *imports*. Exports were not affected; in fact, so far as the Navigation Act was concerned, foreign ships might export any goods from this country. British manufacturers had naturally required that no impediment should be placed upon the exportation of British goods. This was perhaps the only sensible clause in the whole paraphernalia of these laws.<sup>1</sup>

<sup>1</sup> Mr. Lefevre, of the Board of Trade, said he did not know the reason of this; but as a matter of fact, Venice, Spain, France, and the Hanseatic League had Navigation Laws *before* we had, and would not have our goods *except in their own ships*. So necessity, not wisdom, compelled us to make this allowance.

## CHAPTER V.

Progress of the changes in the Navigation Laws—Reciprocity Treaties—Austria, July 1838—Zollverein States, August 1841—Russia, 1843—Various anomalies, &c., then in existence—Curious effects of Registry Laws, as regarded individuals or corporate bodies—Ship *Equador*—Decision of the Queen's Bench, December 1846—Further details: owner to reside in the United Kingdom—Naturalisation of goods brought to Europe—Waste of capital caused thereby; and obstructions to trade—Story of the cochineal—But the Navigation Laws not always to blame—Special views of the Canadians—Montreal, its shipping and trade—Navigation of the St. Lawrence—Free-trade with the United States desired by the farmers of Canada—Negotiations proposed—Canadians urge the abolition of Protection—Views of Western Canada—Canadians, really, only for partial Free-trade—Improvements of their internal navigation—Welland Canal—Cost of freight the real question—Loss to Canada by New York line—General summary of results as to Canada—West Indians for Free-trade as well as Canadians—Divergent views of capitalists at home—Liverpool and Manchester opposed.

Progress  
of the  
changes in  
the Navi-  
gation  
Laws.  
Recipro-  
city Tre-  
aties.  
Austria,  
July 1838.

THE first instance of privileges being granted to ships of certain countries to import goods from ports in other countries was in the case of Austrian ships. The 4th clause of the treaty of 1838 between Austria and England provided, that all Austrian vessels from ports of the Danube, as far as Galatz inclusive, should, with their cargoes, be admitted into the ports of the United Kingdom and into all possessions of Her Britannic Majesty, exactly in the



same manner as if the said vessels had come direct from ports strictly Austrian, with all the privileges and immunities granted under the Treaty of Navigation and Commerce. In August 1840, an Act was passed to give effect to this treaty, the 3rd clause of which, running as follows, was very important:—“ And whereas, by the application of *steam* power<sup>1</sup> to inland navigation, and the facility thereby afforded of ascending rivers in suitable vessels with imported goods, new prospects of commercial adventure are opened up to many States situate wholly or chiefly in the interior of Europe, and whose most convenient ports are not within their own dominions; and, consequently, the trade of this country with such States might be greatly extended if the ships of such States were permitted to use, for the purposes of such trade, some ports of other States, in like manner as if such ports were within their own dominions; and, accordingly, treaties of commerce and navigation beneficial to the shipping and trade of this country might be made with such States if Her Majesty were enabled to carry such treaties into effect. Be it therefore enacted, notwithstanding the Navigation Act, that it shall be lawful for Her Majesty from time to time to declare, by the Order in Council, to be published as aforesaid, that any port or ports to be named in such order, being the most convenient port or ports for

<sup>1</sup> I give this clause at length, because it is about the first step towards a change in our Navigation Laws, which had become necessary to render them practicable, after steam had been introduced for the propulsion of our ships. This mighty instrument of civilisation, about which I shall have a great deal to say hereafter, drove itself through numerous Acts of Parliament, and showed how vain were legislative measures when opposed to the progress of science.

shipping the produce of any State, to be also named in such order, shall, although not situated within the dominions of such State, be port or ports for the use of such State in the trade of such ships with all ports of the British dominions, &c., in as full and ample a manner as if such port or ports were within the dominions of such State, &c.; and so long as such order shall be declared to be in force, it shall be lawful to import, &c., any goods in the ships of such State, which, by the laws in force at the time of such importation, might then be imported in such ships from a port of the country to which they belonged, and so to import such goods upon the like terms as the same could there be imported from the national ports of such ships." Subsequently to this Act, several Conventions of Navigation, to some of which I have already briefly referred, were carried out, whereby the privileges just described were granted to various other nations.

Zollverein  
States,  
August  
1841.

The first was with Prussia, on behalf of the Zollverein States,<sup>1</sup> whereby the mouths of the Meuse, Elbe, Weser, and Ems, and those of all the navigable rivers between the Elbe and the Meuse were made free; thus offering means of communication between

<sup>1</sup> The Zollverein States are, Prussia at the head: Anhalt-Bernburg, Anhalt-Dessau, Anhalt-Kothen, Baden, Bavaria, Brunswick, Frankfort, Hanover, Hesse-Cassel, Hesse-Darmstadt, Hesse-Homburg, Hohenzollern-Hechingen, Hohenzollern-Sigmaringen, Lippe-Detmold, Luxemburg with Limburg, Mecklenburg-Schwerin, Nassau, Oldenburg and Knipphausen, Reuss (Old line), Reuss (New line), Saxony, Saxe-Altenburg, Saxe-Coburg-Gotha, Saxe-Meiningen, Saxe-Weimar, Eisenach, Schwarzburg, Rudolstadt-Schwarzburg, Sonderhausen, Waldeck, Wurtemberg. The Zollverein embraces an area of 131,615 geographical square miles, with a population of 28½ millions, being 63·08 per cent. of the whole area of Germany as it then existed, and 64·35 per cent. of its population. The several States entered voluntarily into the regulation.

the sea and the territory of any of the Zollverein States thus opened as ports for ships of the Zollverein, so far as relates to trade with the United Kingdom or the British possessions. A little later, in 1843, a similar treaty was made with Russia, by which Russian vessels, arriving from the mouth of the Vistula or Niemen, or any other river, the outlet of any navigable stream, having its source in Russia and passing through the Czar's dominions, were admitted, as if coming from Russian or Finnish ports. With Oldenburg there was also a treaty relating to the Elbe, Ems, Weser, and Meuse, and also with Mecklenburg-Schwerin. Lastly, like arrangements were made with Hanover, giving very nearly the same privileges as those to Mecklenburg-Schwerin. At a later period, orders were given to allow the same indulgence to ships of Oldenburg, the Hanse Towns, and Holland, as had been given to Hanover; so that, at this time, England had relaxed her Navigation Laws to the extent of calling ports, places not geographically belonging to Austria, Russia, Oldenburg, Mecklenburg, the Zollverein, Hanover, or the Hanse Towns; a concession of vast importance, especially as regarded the import of corn.

Russia,  
1843.

In fact, the Navigation Laws, as they stood in 1847, were full of anomalies, and were altogether unsuited for the state of things at which nations had now arrived. The 7th clause of the Act 7 & 8 Vict., cap. 88, directed, that "no goods shall be *exported* from the United Kingdom to any *British possession* in Asia, Africa, or America, nor to the islands of Guernsey, Jersey, Alderney, or Sark, except in British ships." Goods, the produce of colonies in Asia, Africa, and

Various  
anomalies,  
&c., then in  
existence.

America, could, however, be brought in vessels of any flag to the Channel Islands, but, from these, they must be brought in a British ship; and there was also the further anomaly, as we have shown, of United States vessels being allowed to clear out with produce and manufactures of the United Kingdom to the East Indies.

Power was then, also, granted to the Queen in Council to allow any foreign nation to trade with British colonies; and this privilege was granted to a considerable number. To some it was accorded without restriction; to others, such as France and Spain, who were rivals, restricted powers were given; while the privilege, granted to the United States of trading with British colonies, was afterwards accorded to Columbia, Rio de la Plata (including the States since formed), Mexico, Hayti, Chili, France to a limited extent, and the Spanish Colonies; and, further, all countries within what were called the limits of the East India Company's Charter, that is, all foreign countries west of Cape Horn, and east of the Cape of Good Hope, had liberty to trade with the British possessions within the same limits. (Order in Council, 16 July, 1827.) French ships under this order were, however, only allowed to import into British colonies such goods, the produce of France, as were enumerated in the table annexed to the order (Orders, 1 June, 1826; 16 Dec., 1826), this order not including wine, the staple of France, a distinction deliberately adopted and confirmed. But, besides these perplexing anomalies, and others to which I shall presently call attention, the execution of the Navigation Law, as it was in 1847, was full of difficulties arising from the Registry



Law, and the naturalisation of goods brought to Europe, &c. With respect to the Registry Law, there was a clause (the 13th) of the Navigation Act which stated "that no ship shall be admitted to be a British ship unless duly registered;" and that this might be properly done, the owner had to declare "that no foreigner has any right, share, or interest in the ship." The following remarkable case will show how completely the spirit of this old law was neutralised in the case of Joint-Stock Companies.

Curious effects of the Registry Laws

as regarded individuals or corporate bodies.

An application was made to the Collector at Liverpool for the registry of a ship called the *Equador*, belonging to the Pacific Steam Navigation Company. In the first instance, the Company required registry as a Joint-Stock Company, and three members, who had been duly elected and appointed trustees, attended at the Custom-House, Liverpool, to subscribe the requisite declaration of registry, in conformity with the provisions of the 13th and 36th sections of the Act 8 & 9 Vict., cap. 89 (the Registry Act). By the 13th section, the trustees of a Joint-Stock Company, in common with all other owners of British ships (*excepting those owned by corporate bodies*), were required to declare "that no foreigner, directly or indirectly, hath any share or part interest in the said ship or vessel." The trustees in question stated that they could not make that declaration, because, in point of fact, foreigners did hold shares in that ship, and also in the other vessels belonging to the said Company; and they requested the Collector and Controller at Liverpool to expunge from the declaration the words above recited; but those officers, having no legal authority to comply with this re-

Ship *Equador*.

quest, refused to make this alteration. The Company then addressed the Board of Customs, requesting that they would direct their officers at Liverpool to expunge from the declaration the words above recited; but the Board, acting under advice, refused compliance with the request. The Company's secretary then demanded registry on behalf of the Company as a "corporate body," and claimed to make the declaration, contained in the 13th section of the Act aforesaid, which applies to corporate bodies. That declaration does not, like the other declaration, exclude foreign interest; and if, in the first instance, the Company had claimed registry as a corporate body, the probability is, that it would have been granted as a matter of course, without raising the question of foreign interest. But the Collector and Controller at Liverpool, with a full knowledge that foreigners were proprietors of the vessel, and advertising to the 13th and other sections of the Registry Act, refused registry; and the Commissioners of Customs, acting upon their solicitor's opinion, supported the Liverpool officers in their refusal to grant the registry. The Company then moved for a mandamus in the Court of Queen's Bench; and, after the usual proceedings in such cases, it was decided by the Court that as the Company applied for registration in its corporate capacity, the Court could not take notice of its constituent members, whether they were actually foreigners or not; or, in other words, that an English Incorporated Company was a British subject for the purposes of the Registry Act.

Decision  
of Queen's  
Bench,  
December  
1846.

The result of this remarkable decision was that foreigners, when incorporated, could own a ship, but

not individually. In an extreme case, a ship might, ultimately, become the sole property of foreigners exclusively, and yet be entitled to be registered as a British ship, as a corporate body remains permanently. So that the law created the curious anomaly that a foreigner could not have a share in a British vessel, but might be the owner of all the shares of a corporate body which owned, for instance, the *Great Eastern*. Another difficulty arose with reference to the residence in or out of England of the owner of a ship. The Free-trade party contended that if a foreigner were disposed to come here and build a ship, there was no disadvantage either to British shipbuilders or British shipowners, or British sailors, especially as he could hold all the shares of a ship. On the other hand, it was contended that this was an extreme case, not likely often to occur, and the principle, if acted upon, of allowing individual ownership, might give considerable power to foreigners to the prejudice of British subjects; in fact, that the violation of this principle went to the very basis of the Navigation Law, which it would destroy. To such a point was real British ownership carried out, that, as the Act required owners of British ships to reside in the United Kingdom, the owner of a British registered ship, if he resided at Paris,<sup>1</sup> would lose his privileges as such.

Further details:  
owner to  
reside in  
the  
United  
Kingdom.

Other difficulties arose from the indefinite character of the law: thus, gin could be brought into England, but brandy could not, in *any* foreign ships. American vessels could not bring corn from Holland;

<sup>1</sup> An exception existed for a person who resided abroad in a foreign factory.

while, on the other hand, American corn landed in Holland could not be brought to England in a Bremen ship; and these difficulties were, in the case of corn, considerably increased by the difficulty of pronouncing upon the actual origin of the corn, as none but the most experienced dealers in grain could decide such a question, and, even with them, it must often have been mere guess work. A case occurred in which timber from Memel was sent to British North America, and, afterwards, brought to England at the low differential duty then existing. The law, at that time, permitted the produce of British possessions abroad to be imported, without its being described as *the produce* of those possessions; a tolerated evasion, it is clear, of the Navigation Law. But in the case of a ship arriving from Hayti, bringing a cargo of Haytian produce, the master described his ship as a Swedish ship, there being, in point of fact, no Haytian ships. In this case, the goods were liable to forfeiture; but they were allowed to be warehoused for exportation, and the vessel was permitted to depart. A Swedish ship was clearly inadmissible under the 16th Section of the Navigation Act.

Naturali-  
sation of  
goods  
brought to  
Europe.

Perhaps one of the greatest absurdities attending the practical working of the Navigation Law was that which related to the "naturalisation" of goods, the produce of Asia, Africa, and America, which, when once landed in Europe, were, by this Act, not admissible into the ports of Great Britain, even in British ships, for home consumption.

Two remarkable cases came under my own experience, so curiously illustrative of the laxity and stringency of the law respectively, as to deserve espe-



cial notice. In the first case, thirty-five casks of annatto, the produce of Cayenne, a French colony, were in course of transit in a French ship to Bordeaux. This valuable dye could have been brought *direct* from Cayenne in a British ship for home consumption to England; but, if once brought from the French colony in a French ship, and *landed* in Europe, it was clearly inadmissible under the clause, "that goods, the produce of Asia, Africa, and America, shall not be imported from Europe into the United Kingdom to be used therein."

The value of annatto is apt to fluctuate suddenly from very low to enormously high prices, just as the fashion for the colour varies. Annatto on this occasion rose to a high price; and a London agent, knowing that thirty-five casks of it were on their way to Europe, set his wits to work to bring this French colonial produce into a port in England, in spite of the Navigation Laws. The agent was thoroughly acquainted with every branch of the law, and asked himself what constituted a *landing in Europe*? Having satisfied himself on this point, he arranged with an eminent house at Bordeaux to purchase the annatto for arrival, land the cotton, which constituted the chief part of the cargo, and charter a small vessel, and send on the annatto to London in this *British ship*. This was done; and, when the vessel was on the point of arrival, he sought the Commissioners of Customs, and frankly avowed his proceedings. Mr. Dean, one of the chief officers, admitted that, many years previously, especially during the war in 1810, similar transhipments had been allowed, under the authority of the officers of the

Crown,—a mere transshipment, and certain formalities performed at the French Customs, not being “a landing in Europe,”—and the thirty-five casks of annatto were admitted at a profit to the partners of nearly 3000*l*.<sup>1</sup>

Waste of  
capital  
caused  
thereby,

In the second case, the rigour of the law led to the greatest absurdity. About the year 1839, the price of coffee was very high in the London market, while large quantities of the finest Java and Dutch colonial coffee were warehoused in store in Amsterdam. This produce was clearly inadmissible under the clause already quoted, having been, beyond all dispute, “landed in Europe.” In what way could this coffee be brought into the London market in the teeth of the existing stringent Navigation Laws? The same agent, who represented one of the oldest Dutch houses, contracted to deliver a cargo of Dutch coffee at a given price at a distant period. He then chartered a British ship, which he sent to Amsterdam, took in a cargo of coffee, and the ship thus laden with Dutch colonial produce was sent to the Cape of Good Hope. At that colony the coffee was landed, or, at all events, was supposed to be landed, fresh papers were made out, and the coffee consigned to London as “naturalised” produce, and, coming direct from a British colony in a British ship, was, of course, admissible for home consumption. To despatch many thousand tons of coffee and other produce half across the globe from Europe, for no other purpose than to be brought back again, in order to comply with the rigorous provisions of the old Navigation Laws, which, in point

<sup>1</sup> The opinion of the Attorney- and the Solicitor-General were taken upon the point, and they admitted the article for consumption.

of fact, were nullified as regards goods, while the shipowners alone reaped the advantage of this useless and protracted voyage, was surely a climax of absurdity! Nevertheless, it is within my own personal experience that a large amount of business was transacted in this way, all the expenses incurred being, in an economical point of view, a total waste of capital.

Again, on the part of the old law, the want of <sup>and ob-</sup>adaptability to the changing conditions of different <sup>structions</sup> markets was often a serious difficulty. Thus, it often <sup>to trade.</sup> happened that the state of these markets in different parts of the world presented favourable mercantile prospects; but no suitable vessel could be found to carry the goods to the market where they were required. For instance, hostilities being about to break out between France and the United States in 1834, the price of French brandy rose enormously in America, while, at the same time, the large quantities of that article then in England rendered it unsaleable in the London market. At the time there was not an American vessel to be chartered in the Thames, and the American Navigation Laws precluded the brandy from being carried in a British vessel. On the other hand, palm-oil, at times, could not be brought from the United States, there being no British vessel available for charter on the spot. In such cases, the merchants complained in their letters in doleful terms, "I have lost my commission, and some British vessel the freight." Instances of such occurrences were multiplied from all parts of the world. Much was said at the time about the difficulty of bringing cochineal from the Canary Islands, where the <sup>Story of</sup>cactus, on which it feeds, had recently been cultivated <sup>the</sup>cochineal.

for this purpose. Though it might be absurd to raise such complaints, as the smallest possible inconvenience resulted from the state of the law as it affected this particular article, the principle applied to the whole colonial system ; and, as Spain refused to allow British ships to carry British goods to the Canaries, it was urged that our colonial system ought to be altered, so as to induce Spain to modify hers. Cochineal produced in the Canaries, and landed at Cadiz in Europe, like other articles, had to be sent elsewhere out of Europe to be naturalised, in order to come in for home consumption.

But the  
Navigation  
Laws  
not always  
to blame.

Perhaps, practically, these anomalies did not, to any large extent, occasion impediments to business beyond retarding its extension, because every merchant was so well acquainted with the provisions of the Navigation Laws (which were as much studied for their evasion as otherwise), that less inconvenience resulted<sup>1</sup> than might have been expected. The law, however, assumed so many complex forms with time, new discoveries, treaty obligations, and perpetual minor alterations, that, irrespectively of the advantages or disadvantages of a total change, arguments could be raised for a complete abrogation of every existing Act, if it were only to commence anew and remodel the law, so as to avoid the habitual and vexatious discussions and disputes with the Customs to which the system gave rise.

<sup>1</sup> Merchants were sometimes, however, misled. An American, who had a smart U.S. brig, once showed a friend of mine his invoice of a cargo of Peruvian cotton, which had reached Gibraltar from Peru. Counting his profits on a sale in England, where he had ordered her to come, he was wofully disappointed when told of the unlucky *third section*, which forbade its importation. The fortune he had counted upon realising melted away at once.



As regarded the operation of the Navigation Laws with reference to Canada, it was far more complicated than even that between the mother-country, her colonies in the West Indies, and the United States. While some of the shipowners of England had, as we have seen, gone so far as even to demand protection against the shipping of English colonists, the Canadians were busily occupied with efforts in an entirely opposite direction. They were not inclined, by a system of protection, to force their trade in any particular channel: for, so far as regarded the carrying-trade of the North-Western American States, the Canadians obviously could only secure its passage through their territory by holding out superior advantages in the way of cheapness of transit. For this purpose they had already done everything that great enterprise and expenditure could accomplish. They succeeded as far as possible; and, at length, possessed a line of communication at once more rapid and more cheap from the interior to the sea than any existing in the United States. The whole question then was confined to the comparative advantages of shipment from Quebec or Montreal, or from New York. If those ports could be nearly equalised in respect to freights to England, Canada would succeed in her object; if the disparity continued as it did then, all her efforts would have been unavailing.

It was, generally, represented that the high rate of freight between Montreal and the United Kingdom was owing to the limited number of ships employed in the import trade of Canada. In the spring and latter end of the summer, ships, composing what was called the spring and fall fleet, arrived; and, so long

Special  
views of  
the Cana-  
dians.

Montreal,  
its ship-  
ping and  
trade.

as they were in port wanting freight, the rate was comparatively moderate; but in the interval, being the middle of summer, when most of the western produce arrived for shipment, an inferior class of ships only were at hand, which delivered their cargoes in bad condition, and, at the same time, charged exorbitant rates, according to the quantity of produce for shipment. The rate of freight is said to have fluctuated in Montreal in one and the same season between 3*s.* 6*d.* and 7*s.* 6*d.* per barrel; and it is stated that the higher rate, from 6*s.* to 7*s.* 6*d.* per barrel, had been paid in Montreal, while freights were offered in foreign ships at New York as low as 1*s.* and 1*s.* 6*d.* per barrel; indeed, at this time, an offer of 1*s.* 6*d.* per barrel extra would have brought any number of ships round from the American sea-ports, but the Navigation Laws interposed. It was clearly seen that such fluctuations in the rates of freight, together with the employment of inferior vessels, could not have occurred were the Canadian merchants able to select in the American ports such ships as were seeking freight to Europe.

During the temporary suspension of the Navigation Laws in 1847, twenty-two ships arrived from Bremen at the port of Montreal laden with emigrants intended for the United States, that route being chosen as easier and cheaper. These ships on their return took cargoes for the United Kingdom; and it was evident that, if the same facilities were continued, the great German emigration to the United States would to some extent pass through Canada. This was but one instance of many which, might be reasonably expected, if foreign vessels could resort to the

Canadian ports. These ships were well fitted for the carriage of wheat and flour; and the competition produced by their presence would not only tend to reduce the freight from Canada to an equality with those from the States, but the good condition of the cargoes delivered would be assured; the shippers would, in this way, be saved from the use of inferior vessels, the damage caused by which was thought not to be over-estimated at an average of five per cent. on such shipments.

Again: the American merchants of the West were anxious to avail themselves of the facilities afforded by the River St. Lawrence. Thus, if their vessels were permitted to come down to Montreal and Quebec, there to meet American or foreign ships to take their cargoes on freight to Europe or elsewhere, it was naturally thought that an extensive and profitable commerce through Canada would immediately follow; the lower ports, by these means, at once assuming the position, as commercial depôts, to which their geographical position on that great river outlet of Northern America seemed to entitle them.

Connected with this important subject of the free navigation of the St. Lawrence west of Quebec, which the Americans were desirous of procuring, a corresponding desire prevailed on the part of the Canadian farmers to avail themselves of the American home market, whenever it offered superior prices to those derived from exportation to Europe. The price of wheat and flour in the Eastern States, required for home consumption, was often much higher than the price in Canada for exportation, and when

Navigation of the  
St. Lawrence.

Free-trade  
with the  
United  
States  
desired by  
the farmers  
of Canada.

this happened, it would obviously have been greatly to the advantage of the Canadian agriculturist if he could have exported his produce to the United States. This he was prevented from doing by a protective duty of a quarter of a dollar per bushel upon wheat. Efforts had been made in the United States to abolish this duty; but the advocates of its abolition were constantly defeated by the Protection cries of the American farmers, or by a difficulty as to the "most favoured" nation-clause in treaties with Foreign Powers, the more so, as a relaxation in favour of Canada was, naturally, capable of extension to any or all nations with whom the United States had such treaties subsisting. Here is a clear instance how commercial treaties, even of a liberal character, become as much "entangling alliances" as the political conventions of "amity and friendship" have so frequently been. Indeed, the "favoured" nation-clause, however well intended and beneficial in the highest degree in certain cases, has often been a source of dispute to those States who either have accepted or enforced it, and, even more so, to those countries which have been compelled to adopt it. The interests of great nations vary so much at different periods that inflexible rules in politics or commerce must frequently operate very prejudicially, and cannot be maintained with entire consistency for the true interests of the commonwealth.

Negotiations proposed.

It was thought that if the free navigation of the St. Lawrence were offered to the American Government in return for the abolition of the protecting duty, one measure to be co-existent with the other, Congress would be inclined to abolish the protective duty;



while the abolition, being a matter of reciprocal arrangement, all difficulty arising from the commercial relations of the United States with foreign countries might thus be avoided.

The more advanced section of the Free-trade party of Canada pressed this proposal on the executive government, together with the abolition of all protection conferred by the Navigation Laws, which it was asserted was, after all, purely nominal, and only to secure other advantages. They pronounced the so-called Protection to be in its effects upon Canada practically mischievous, contending that, if the trade was nearer from Canadian waters to the canals and ports of the United States, British shipowners would have to compete with foreigners in the ports of that country ; that, if they could do this successfully there, they could do so in the Canadian ports ; but if not, under existing circumstances, the trade of Canada could not afford to maintain a mere legal monopoly : moreover, if the supposed Protection only led to the desertion of the cities and sea-ports of Canada, without subserving the interests of British shipowners, it was hoped that useless restrictions, irreconcilable with the withdrawal of protective duties in the United States in favour of Canadian produce, would be at once removed.

The Canadians could not indeed fail to perceive, when the question was raised in the mother-country, that a great portion of the exportable produce of Western Canada, probably by far the greater part, was at that very moment on its way to ports in the United States ; that little was expected at Montreal ; that the canals constructed on the St. Lawrence were

Canadians  
urge the  
abolition  
of Protec-  
tion.

Views of  
Western  
Canada.

almost idle; that importing ships coming to Montreal were without their usual full freight; that the principal importations into Western Canada were effected through the United States; and that the trade of the city of Montreal was in consequence rapidly decreasing. On the other hand, they observed the greatly-increasing consumption and importation into their country of articles formerly imported wholly through that port. Hence they inferred, that the opening of Canadian sea-ports to vessels of all nations, with permission to send colonial produce to England in any vessels, as well as the opening the River St. Lawrence above Quebec to Americans, would probably restore trade to its original channel, and increase the commerce and revenues of Canada beyond precedent.

Canadians  
really only  
for partial  
Free-  
trade.

Such were the hopes entertained by the Canadians of a modification in the restrictive system. But even the boldest of their Free-traders shrunk for a time from the notion of an unconditional surrender of the natural advantages the navigation of the St. Lawrence conferred upon Canada. Hence they proposed to themselves to reserve their full rights, and confined their advocacy to such changes in the law relating to navigating the St. Lawrence above Quebec as would enable them to make terms with the Americans. They had then no idea of throwing open to foreigners generally the use of their great rivers without an ample equivalent: they contented themselves with asking for powers from the Imperial Legislature to enable them to negotiate from time to time on the subject, and to make the navigation of the river a matter of treaty and regulation; preserving their own sovereignty,

with power to resume the exclusive use of it at the conclusion of any agreement.

Hitherto the enterprise and energies of the colonies had been almost exclusively directed to the important objects of improving the internal navigation of the St. Lawrence from Lake Erie to Quebec, so as to place it in such a state of cheapness and efficiency as would make that route more advantageous as a port of embarkation for a sea voyage than any route through the United States.

Improvements of their internal navigation.

In the case of the Welland Canal, Canadians could not fail to perceive that the passage of American vessels down and up had contributed to render it profitable. Indeed, the Welland Canal was used extensively by American vessels, as it was a short communication between the two great lakes, and, at the same time, admitted of the passage of large vessels, which, instead of entering the American Erie Canal at Buffalo, proceeded down Lake Ontario to Oswego, where goods are transferred to the canal-boats for transport to New York. In this way a large portion of the revenue from the Welland Canal was derived from the American trade, arising from the free navigation of a part of the internal waters of Canada, and thus Western Canada enjoyed the benefit of a navigation supported to a considerable extent by foreign commerce.

Welland Canal.

It was observed, further, that, if products from the Western States could be transported to the sea more cheaply through Canada than through America, the Canadian route would of course be

Cost of freight the real question.

preferred, and thus the Canadian canals would engross the carrying trade of the North-Western States of America. But if, on the other hand, the advantage of the perfect inland navigation was more than counterbalanced by the rates of freight from Quebec and Montreal to Europe, the people of Western Canada, having no protection in the English markets by using the Canadian lines of communication, would send the whole of their produce by way of New York, and import such articles of foreign consumption as they required by the same route.

So long as the colony enjoyed Protection in the British market no injury to its commerce could arise, because the extent of the protection was generally sufficient to prevent the owners from divesting the Canadian produce of its British character, and it could not become available for the home market of America, unless on the payment of a heavy duty. Even with regard to American produce, the provision in the old Corn Law giving to American wheat and flour the same protection as Canadian if exported through Canada, with the payment of 3s. per quarter duty in the province, was, at most times, a sufficient inducement for many Americans to make shipments to Montreal, as well as for the Canadians to make purchases in the United States. When, however, by the repeal of the Corn Laws all protection was removed, the question became one of mere cheapness of transport; and taking an average of the preceding four years, the difference in freight was no less than 3s. per barrel of flour in favour



of New York over Montreal.<sup>1</sup> Even, when the benefits enjoyed by Canada in her internal navigation, estimated at 1s. 6d. per barrel, were deducted, there would still remain in favour of New York, 1s. 6d. on each barrel of flour—an advantage quite sufficient to turn the whole export trade into that channel.

As the United States then admitted the transit of Canadian produce through their territory, the loss it encountered at New York arose from the necessity of complying with the Navigation Laws, which forbade its being imported into England in foreign ships (8 & 9 Vict., cap. 88, sect. 4). At the same time, it must, also, be noticed that, as freight in British ships from New York to England was no higher than the freight in American ships, this restriction, confessedly, had no appreciable influence on the question of transmission through Canada or the United States.

For some time, previously, the import trade of Western Canada, which, by means of protecting duties in favour of British ships and British goods, was forced to come by the St. Lawrence, had been changing its direction, and Montreal, which supplied the whole western country, was becoming deserted by the western merchants. The new Customs Law

<sup>1</sup> Mr. Burton of Montreal, a merchant of great experience, gave it in evidence before the Committee of the House of Commons of 1844 that the difference of rates were as follows:—

	Per barrel.			Per barrel.
In 1844, from Montreal,	4s. 6d.	..	From New York,	1s. 8d.
In 1845,	4s. 8d.	..	„	2s. 0d.
In 1846,	5s. 1½d.	..	„	2s. 6½d.
In 1847,	6s. 0d.	..	„	2s. 0d.
Average .. ..	5s. 1d.	..		2s. 1d.

of that province, while it equalised duties, enabled the consumer to purchase in the cheapest market, and, thus, vastly increased the evil to former importing cities; hence, a very large proportion of the export trade also of Canada had now taken the direction of New York. There was, therefore, naturally a serious apprehension, lest the great public works of the St. Lawrence would cease to be useful and profitable, and, that the commercial connection so many years existing between Western and Eastern Canada would thus be altogether cut off.

It has been unnecessary to refer to the export trade in timber from Canada, as this stood on exceptional grounds. Indeed, a general opinion prevailed that the export of timber from Quebec would probably be carried on, under any circumstances, in British ships specially employed in that branch of trade.

From these important considerations it was concluded:—

1st. That, as Canada then enjoyed but a remnant of Protection in England, she ought to be released from any restrictions *for the benefit of the shipowner*.

2nd. That, without the free navigation of the St. Lawrence and a repeal of the Navigation Laws so far as British North American Colonies were concerned, there was reason to apprehend that New York would become the emporium of the trade of Canada, and further, that, thus, a community of interests, commercial and political, would be created with the United States.

3rd. That, in such a case, the repeal of these laws would not materially injure the British shipowner, the question simply being whether competition for

trade should take place in the harbours of the United States or in the River St. Lawrence.

Lastly, That the repeal of these laws would have a tendency to perpetuate, and not to destroy, the relations existing between Canada and the mother-country.

For these reasons, an organisation of merchants in Montreal, and in various towns in Canada, who had leagued themselves as Free-traders and had been very active in disseminating their views, as well as in enforcing them, with all the influence they could command, on the colonial Governor, and on the English Executive and both Houses of Parliament, now demanded the total repeal of the British Navigation Laws. They did not, however, stand alone in their desire for unrestricted navigation. The West Indies, as soon as they found that the British Parliament had taken away the protection afforded to them by the differential duties, were as loud in their complaints as the Canadians, the more so, as having been deprived of all protection on their sugars by Lord John Russell's Equalization Act of 1847, it became indispensable to get their produce conveyed to market at the cheapest possible rate of freight, so as to compete, with any chance of success, with their foreign rivals. They therefore denounced the Navigation Laws in no measured terms ; and when Montreal petitioned that its corn should be admitted into the ports of Great Britain in ships of any nation their merchants thought proper to charter, the West Indians preferred the same request, in order to secure the lowest cost of transport for their sugar. While, therefore, the colonists were urging the adoption of the

West  
Indians  
for Free-  
trade as  
well as Ca-  
nadians.

Divergent  
views of  
capitalists  
at home

principle of an entire free trade with the colonies, many capitalists of England, and, especially, the ship-owners, viewed with great alarm the total abandonment of what was known as our "colonial system," and declared their apprehension that such a change would throw the carrying trade into the hands of the United States. Clinging to Protection, they said, in their memorials to Parliament, "that the only remaining thing connected with our whole important and most magnificent colonial system, which enabled us to baffle the efforts of the whole world united against us, was that part of the system under which the produce of the colonies was obliged to be brought to this country in British ships." These alarmists declared that such a relaxation as the colonists now demanded would ruin them inevitably. Regarding every concession which had been made to the Americans during the preceding half century, having as it had for its object increased intercourse with the West Indies, as a pernicious policy, tending to injure British colonies and to encourage American trade, they alleged that the protection of the colonies had not been carried far enough; that British shipowners could not exist without Protection; that the uncertainty prevailing with respect to the Navigation Laws was productive of injury to the country, as no persons would embark capital in shipping; and, further, that, as regarded the West Indies, it was not the *general* wish of the colonists that the Navigation Laws should be repealed.

Views of  
Man-  
chester and  
Liverpool.

In this controversy, the important cities of Manchester and Liverpool each took also a very different view. The great Free-traders of the former desired the



unconditional repeal of the Navigation Laws, feeling convinced that their cotton and corn would then be brought to them at cheaper rates, and that they would be able to deliver to much greater advantage in distant markets the products of their manufacturers; but the shipowners of Liverpool, almost as a body (though there were a few important exceptions), were exceedingly adverse to any material change in these laws, as they regarded with great and natural jealousy the then triumphant progress of American shipping.

## CHAPTER VI.

Witnesses examined by Mr. Ricardo's Committee: Mr. J. S. Lefevre, Mr. Macgregor, Mr. G. R. Porter—Their extreme views not conclusive to the Committee—Evidence adduced by the shipowners—Ships built more cheaply abroad—Evidence of Mr. G. F. Young, and his general conclusions—Mr. Richmond's evidence—Asserts that shipping is a losing trade.—Replies to the charges against shipowners.—Views as to captains of merchant ships.—Praises their nautical skill and capacity.—His character of common seamen.—Attacks Mr. Porter.—Offers valuable details of ship-building.—Is prepared to go all lengths in favour of Protection.—His jealousy of the Northern Powers—Evidence of Mr. Braysher, Collector of Customs in London.—General effect of the Navigation Laws on the Customs.—With the Northern Ports and America.—Difficulty about "manufactured" articles.—Anomalies of the coasting and internal trade—Committee's last meeting, July 17—General dissatisfaction with the results of the inquiry—Commercial panic and distress of 1847—Suspension of Bank Charter Act.

Witnesses  
examined  
by Mr.  
Ricardo's  
Com-  
mittee.

HAVING now laid before my readers the substance of the state of the Navigation Laws at the time of the appointment of Mr. Ricardo's Committee in February 1847, I shall proceed to state generally the principal facts put forth by the leading witnesses on the side of the Free-traders and of the Protectionists respectively.

On the side of the former, Mr. John S. Lefevre, Mr. Macgregor, and Mr. G. R. Porter, officers of the Board of Trade, and decidedly inclined to the total repeal

of the Navigation Laws, were the chief witnesses brought forward to make out a case against the existing system. Of these, the first—a distinguished mathematician as well as a lawyer of sound learning—  
Mr. J. S. Lefevre.  
 was eminently fitted to work out, calmly and dispassionately, the intricate points connected with the complex system then prevalent. The other two were strong partisans. Mr. Macgregor, a somewhat superficial person, gave the most off-hand answers to questions, though profoundly ignorant of their tendency, therein committing the most egregious blunders, and urging many inaccuracies about the Reciprocity Treaties, their effect on commerce, and the injury Great Britain had sustained through her ancient Navigation Laws. On the question of the maritime relations between this country and the United States, Mr. Macgregor gave evidence, also, at great length, a considerable portion of which was, however, erroneous as to matters of fact, while many of his conclusions were fallacious.  
Mr. Macgregor.

Mr. G. R. Porter, Secretary of the Statistical Department, and well known as entertaining the strongest convictions that the Navigation Laws were as injurious to the shipowners themselves as they had been to the nation, was an industrious hard-working man, but he was at the same time committed by many previous publications to the most extreme opinions on Free-trade: of real practical commerce he had no experience. Mr. Porter had, however, studied the whole question with care, and, while enthusiastic in favour of an entire change, and sanguine with regard to the beneficial results to follow from the repeal of these laws, he gave  
Mr. G. R. Porter.

strong and valid reasons for his bold opinions. Their repeal, he showed, would tend, materially, to develop and increase the warehousing system of Great Britain, making it, in fact, a vast *dépôt* for supplying the wants of the people of all nations. Not that the existing laws presented any impediment to warehousing goods, but that facilities would be afforded for making advances on foreign produce by the removal of restrictions. In answer to numerous and varied questions from those members of the Committee who were opposed to his views, he gave a clear and decided opinion that the trade of England had not been benefited in any one of its branches, shipowning included, by the Navigation Laws: and he could not for a moment admit that these laws had operated beneficially even for the "encouragement of a commercial marine." He rested his arguments on the economical principle that the shipping trade of this country, as a trade, could be conducted on no other principles than those whereby trade, generally, was carried on; he contended that no more ships would be built than it was expected would be required, so as to yield a profit to the persons who built them; that, in the long run, there could be no larger amount of profit derived from shipowning than from any other trade, as other persons would, of course, come in to share the profit with the existing shipowners; and that, unless shipping yielded the ordinary rate of profit to be derived from the commerce of the country, deficiencies in shipping from losses would not be, from time to time, supplied. It was well known, he remarked, that the trade of the country had gone on in-



creasing; that, from year to year, more ships had been built; and, further, that, though shipowners had certainly been at times loud in their complaints and fears as to their future prospects, they had still continually added to the amount of their tonnage. Mr. Porter then put in the strongest light the groundless fears they had so long entertained by quoting their Report for 1833,<sup>1</sup> wherein they state that "the long-continued and still existing depression of the shipping interest, the partial production, and great aggravation of distress caused by continual changes in our navigation system; the utter impossibility of the successful maintenance of an unrestricted competition with foreign navigation; the gross injustice of the imposition of peculiar and exclusive burdens on maritime commerce for purposes purely national, while exposed to that competition; the declining quality and estimation of British tonnage; the embarrassment, decay, and ruin of the British shipowner, may now be viewed as incontrovertible positions." In reply to this desponding statement, Mr. Porter directed attention to the official returns, showing that in 1833 the amount of British tonnage on the register was 2,634,577 tons, whereas in 1846 it was no less than 3,817,112 tons, an increase of 1,182,535 tons. So that, to the melancholy "facts" of the shipowners in 1833, Mr. Porter opposed his prosperous "figures" of 1846. Such discordant views could not by any means be reconciled; but shipowners of all countries and in all ages have ever had the most evil forebodings on the subject of the withdrawal of protection.

<sup>1</sup> See 'Report of the London Shipowners' Society, 1833.'

Mr. Porter did not fail to hold out the threat that Prussia, at the head of the Zollverein States of Germany, would still further carry out its restrictive principles, and impose differential duties on foreign shipping; and that Hamburg and Bremen were, at that time, deliberating whether they should join the Zollverein under one flag, as far as concerned shipping. He, nevertheless, expressed the most sanguine hopes that, when foreign nations discovered beyond all doubt, that England was advancing in the path of Free-trade, they would gladly follow her example, and that commerce throughout the whole of Europe and the world would be unshackled.

It appeared, further, from his evidence, that Mr. Porter was for a complete abrogation of the English Navigation Laws, without any reservations as to reciprocity, and that, from the general conviction that these restrictive laws were rather injurious than beneficial to us, independently of the policy of other nations.

Their extreme views not conclusive to the Committee.

It cannot, however, be said that, in 1847, the repeal party had succeeded in convincing the majority of even the Committee of the soundness of their opinions. The shipowners, as a body, endeavoured to controvert, and with considerable show of success for the time, the theories propounded by the Free-trade party, so strenuously supported by the officers of the Board of Trade. The cold imperturbable evidence of Mr. (now Sir) John Shaw Lefevre, who was intimately connected with the Free-trade party, contrasted strikingly with the impetuosity of such men as Mr. Macgregor, and even with the testimony of Mr. Porter.

The shipowners, on the other hand, put forward their most practical and intelligent witnesses<sup>1</sup> to prove that the repeal of the Navigation Laws would cause an immediate depreciation of thirty per cent. in the value of their property, and of shipping, generally, throughout the United Kingdom; that, if the British shipowner were deprived of his privileges, already greatly curtailed by the system of reciprocity, it would be decidedly to his advantage to invest his capital in foreign ships, and to navigate them by foreign seamen: Englishmen, they alleged, would own, in conjunction with foreigners (if possible), foreign ships, in order to secure the privileges still attaching to foreign flags, since British ships would still be excluded from many foreign ports, even though the Navigation Laws were abrogated. It was shown, as they conceived incontestably, that a ship could be built at Dantzic at a much less cost than in England,<sup>2</sup> and that, if the

Evidence  
adduced  
by the  
ship-  
owners.

<sup>1</sup> The chief of these was Mr. G. F. Young, who, it must be admitted, made out a very startling, and, at the time, apparently a very strong case against repeal, or even reciprocity; while Mr. Richmond, Mr. W. Philippe, Mr. W. Imrie of Liverpool, Mr. Duncan Dunbar, Mr. J. Macqueen, and others, brought forward an immense array of facts in support of their allegations.

<sup>2</sup> It was stated that a vessel built in Dantzic, according to the following detailed specification, would cost 10*l.* 17*s.* 6*d.* per ton, and in the United States 12*l.* per ton; but that a similar vessel could not be produced in any part of Great Britain under 15*l.* per ton. Say 757 tons, and first class: length on deck, 140 feet; length of keel, 129 feet; breadth of beam, 32 feet; depth of hold, 22 feet; height of 'tween decks laid, 7 feet; the frame to be of oak; bottom planking to the bilge, elm; topsides, wales, &c., pine; ceiling, pine; to have a top-gallant forecastle, fitted for the accommodation of the crew; round house aft, fitted for the accommodation of the captain and officers; the deck otherwise flush; single bulwarks and monkey-rail; patent windlass; caboose fitted with cooking stove; small capstan in the forecastle; a small capstan abaft the mainmast; three anchors; two chain cables of 120 fathoms each; masts, spars, studding-sail booms,

Ships built  
more  
cheaply  
abroad.

foreign trade were thrown open without restriction, no one would think of building British ships; the result being, that a great number of persons dependent on shipping—shipwrights and others—must be thrown out of employment, with great general distress ensuing. The difficulty of manning the Royal Navy, under such untoward circumstances (a standard argument), was, of course, dwelt on with great force as an unmitigated national evil. It was further urged, that the relaxation of the laws, so far as to allow Asiatic and African produce to be admitted to Great Britain for home consumption from ports in Europe, in all bottoms, must deprive the British shipowner of his most valuable privilege, and destroy the very essence of the ancient law.

The argument, that these laws ought to be abrogated in the interests of the consumer was met by the counter-assertion, that any difference of freight, if such indeed existed, would make no appreciable difference in the price of consumable articles. Even the excessively high freight of 8s. per barrel from the United States, which had been paid on an emergency, would, they held, amount to only one halfpenny per pound on the flour, so that when freight was reduced to its usual rate, a very slight increase of value was the consequence. The witnesses

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and spare spars complete; patent fids and tressels; roller blocks; one long boat; one cutter; one gig with oars, &c., complete, copper fastened to the wales; ship rigged; cordage standing and running rigging complete; two hawsers; two suits of sails complete; the ship to be fastened with iron hanging-knees from the upper deck, and with diagonal iron knees from lower-deck beams to the bilge; patent pumps on deck, and also bilge pumps; all the timber, cordage, sail-cloth, and ironwork, to be of the best materials.



against repeal spoke of various other articles<sup>1</sup> in a similar manner, arguing that the reduction would be so small that it could never reach the consumer.

Of all the witnesses examined before the Committee, no one was more opposed to the repeal than Mr. George Frederick Young, a shipbuilder and shipowner in the port of London. He was quite as strong a partisan in favour of leaving things as they were as Mr. Ricardo and Mr. Porter were in favour of Free-trade. He would admit no further innovations of any kind, contending, that, even the reciprocity system had been in the highest degree detrimental to the interests of the British shipowners: indeed, he asserted that if the Navigation Laws were re-

Evidence  
of Mr. G.  
F. Young,

<sup>1</sup> It was contended that as the whole freight of sugar was only 3*l.* per ton from the West Indies or Cuba, equal to one-third of a penny per lb., while the duty was 14*s.* per cwt., or 1½*d.* per lb., any reduction in the freight could not reach the consumer. Such was, also, the case with other articles of large consumption. The average freight of tea was 4*l.* 15*s.* per ton, of 50 cubic feet, equal to 1½*d.* per lb., the duty 2*s.* 2*d.* per lb. The average freight on tobacco from New Orleans had been 50*s.* per hogshead, or equal to 7⁄15ths of a penny per lb.; from Virginia, 35*s.* per hogshead, or one-third of a penny per lb.; the duty being 3*s.* per lb. Taking flour from the United States at 4*s.* per barrel, freight would be a farthing a lb. The freight upon indigo at 4*l.* 15*s.* per ton, of 50 cubic feet, would be equal to 1⁄16 a lb. The freight on coffee at 4*l.* per ton is equal to about one-third of a penny per lb., the duty on foreign being 6*d.*, and on coffee from the British possessions 4*d.* per lb. On cotton the average freight for the previous ten years from Bombay, 3*l.* 5*s.* 4*d.* per ton, of 50 cubic feet, which is equivalent to 7⁄16ths of a penny per lb.; from the United States it was estimated at 2⁄8ths of a penny per lb. At these rates, it was urged that it would require a microscopic coinage to secure it to the consumer; it would all be absorbed. Supposing the freight to be reduced one-third, below which no British shipowner could live, leaving a fair freight to pay for the expenses of the ship, and a small profit, and supposing the freight to be so reduced from the foreigner sailing cheaper than we could, it was contended that no benefit could result to the consumer: on the other hand, by its retention, you retain, also, that which it is of the most vital interest for any country to retain, its national defences.

pealed, it would be seen that the interests of the merchants would be quite as much compromised as those of shipowners, as it was under the operation of these laws that importations were so largely directed into the emporium of England. He apprehended that this repeal would substitute certain conveniently-located foreign ports as depôts for imported produce for the supply of England, in lieu of British ports. He fortified this opinion by elaborate calculations, showing an enormous difference in the warehousing charges at Amsterdam, Rotterdam, and Hamburg, leading, as he apprehended, to this inevitable conclusion, that a British merchant would find it more to his interest to establish depôts at those places, than to import commodities for the supply of his own country, to be lodged in the St. Katherine or West India Docks, or in other similar establishments.

With regard to the subject of the Whale Fisheries, and the way in which they might be affected by a repeal of the Navigation Laws, Mr. Young pointed out that the trade of the northern and southern fisheries had been for many years past a declining one: but this decline, he said, though in a great degree traceable to other causes, received an accelerated impetus from the course pursued by the Legislature in discouraging these trades, while the Americans, on the other hand, had received from their Legislature every possible support. So far as regards the relative cost of navigating British ships, Mr. Young brought forward a mass of figures<sup>1</sup> for the

<sup>1</sup> Taking a hypothetical calculation of the result of a voyage of twelve months' duration of a British ship of 500 tons, and of a ship

purpose of showing that the difference in every case was in favour of foreign shipowners, but more especially in the case of those of the United States, Holland, the Hanse Towns, Sweden, and Prussia.

By the various reciprocity treaties Mr. Young considered the Navigation Laws were virtually repealed with regard to those countries with whom we had concluded such conventions: but, while maintaining that these treaties had proved highly prejudicial to Great Britain, he did not recommend a retrograde policy; and we gladly admit that, whatever opinions might be entertained of the ardent Protectionist principles he propounded, his political adversaries bore

and his  
general  
conclu-  
sions.

of equal tonnage of the above-mentioned nations respectively, and taking the items of wages, insurance, interest on capital, calculated at 5 per cent., and depreciation of the property, which experience warrants at 10 per cent. per annum, the total amount of those items, on a ship of 500 tons built in England, and costing 8750*l.*, would be 2623*l.* 10*s.* on such a voyage; on a ship of the United States, costing, as estimated, 7250*l.*, it would be 2191*l.* 10*s.*; that on a Dutch ship, costing 7000*l.*, it would be 2110*l.*; that on a Bremen ship, costing 5500*l.*, it would be 1626*l.*; that on a Swedish ship, costing the same amount, it would be 1550*l.*; and that on a Prussian ship, costing 4720*l.*, it would be 1329*l.*; making a difference in favour of an American ship of 432*l.*; of a Dutch ship of 513*l.* 10*s.*; of a Bremen ship of 997*l.* 10*s.*; of a Swedish ship of 1073*l.* 10*s.*; and of a Prussian ship of 1294*l.* 10*s.* These gross disbursements resolved into their elements, as regards wages, stood thus. The wages on a British ship were calculated at 786*l.*; the wages of an American ship of the same size, viz., 500 tons, 669*l.*; in a Dutch ship, 640*l.*; in a Bremen ship, 471*l.*; in a Swedish ship, 395*l.*; and in a Prussian ship, 331*l.* 10*s.* The items of these wages, as regards British ships, were, an English captain, 10*l.* a month [that is the amount of wages, but the emoluments of a British captain would be very much more than that]; chief mate, 6*l.* per month; second mate, 4*l.* per month; boatswain, 3*l.* 10*s.* per month; carpenter, 5*l.* per month; cook, 2*l.* 10*s.*; nine able seamen, at 45*s.* each, 20*l.* 5*s.*; eight ordinary seamen, at 30*s.* each, 12*l.*; and three apprentices, at 15*s.* each, 2*l.* 5*s.*; making a monthly amount of 65*l.* 10*s.*, which multiplied by 12, gives the amount stated, 786*l.*



full testimony to the ability with which he advocated his cause during the days he was under examination, and to the large amount of practical knowledge he brought to bear on the subject. He displayed, too, great tact, and, I must add, great patriotism, viewing the contemplated change in the light he did, when he wound up his evidence by asserting, unequivocally, that the Navigation Laws were framed for the paramount and political purpose of assisting in the defence of this country, as well as for encouraging maritime commerce; that these objects, in his judgment, could never have been obtained and maintained without these great Acts; and that he fully and completely declared his concurrence in the opinion given by Adam Smith, which we have already quoted. "I have no hesitation in declaring," remarked Mr. Young, in concluding his evidence, "my perfect conviction, that it has been, through the operation of our navigation system entirely, that the maritime power of this country has been raised to its present height, that the country has been defended, and all the evils which would have resulted from its being made the seat of war have been providentially averted."

As considerable uneasiness had been felt by those who advocated the policy of Protection with reference to the competition which might be anticipated from the shipping of the three Hanse Towns—Lubeck, Bremen, and Hamburg—although on inquiry it was shown that the whole tonnage of sea-going ships belonging to these ports was only about 150,000 tons register, it is advisable here to refer to the testimony



of Mr. William Richmond, who was deputed by the shipowners of the borough of Tynemouth to appear before the Committee.<sup>1</sup> This gentleman had been a shipowner for nearly fifty years, and, at his advanced age, was reluctant to appear: but zeal for a cause to which he had devoted great energy during a long life, together with the importance of the subject, induced him to come forward to rescue, so far as he could, the shipowners from "impending destruction." It is unnecessary, however, here to follow him through his elaborate history of the Navigation Laws, but, as an exponent of the views of many shipowners in the north of England, the points he urged most strongly ought not to be overlooked. Strange, however, to say, his first contention was that, for the preceding twenty-five years, the shipping trade had been a losing one, those employed in the Baltic during the whole of that time having made no money whatever. When, naturally, he was asked to explain how it had come to pass that a losing trade should be so long maintained, Mr. Richmond entered into details, which, though not satisfying the Committee as to the whole force of his assertion, threw considerable light on the actual state of the merchant shipping at that period.<sup>2</sup>

Mr. Richmond's evidence.

Asserts that shipping is a losing trade.

<sup>1</sup> Mr. Colquhoun, now Sir Patrick Colquhoun, Q.C., at one time Plenipotentiary of the Hanse Towns at Constantinople, also gave evidence (see 3980, &c.); but, from a point of view entirely different from that of Mr. Richmond. The Hanse Towns, as carriers for the large continent of Germany, were naturally opposed to a system which circumvented their sphere of action, while Holland took the opposite view.

<sup>2</sup> Mr. Richmond was one of my constituents when I represented the Borough of Tynemouth, and, though he strongly opposed my return to Parliament, I have a pleasing recollection of him as a courteous man, and a fine specimen of the old school of Protectionists. In reply to a

Replies to  
charges  
against  
the ship  
owners.

It had been charged against shipowners, as we have seen,<sup>1</sup> that their ships were unseaworthy, while the masters had been condemned in no measured terms. These accusations he indignantly repelled; his explanation as to the permanence of a losing trade being substantially this—that a distinct class of men existed who were shipowners, and not merchants, whose fathers had been shipowners for successive generations, and had left them ships as their only inheritance; and that, as they could not readily divest themselves of this property, and had no means of buying ships of an improved description fit to compete with vessels of more modern date,<sup>2</sup> their commercial career generally ended with the Gazette.

Views as  
to captains  
of mer-  
chant  
ships.

With regard to the qualifications of captains of merchant vessels, Mr. Richmond said that sixty years ago, when he went to sea, very young in life, it was customary for respectable and even wealthy people, in the maritime districts, to send their children to sea: indeed, no matter whether they were shipowners or merchants, agriculturists or manufacturers, one of the family was sent to sea, because it was considered a line in which there was a fair chance of prospering. “But no respectable people send their children to sea now,” he exclaimed, “as it is a profession which, in all probability, would lead them to beggary.”

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question of how it was that, in spite of such gloom and ruin, the shipowners of that borough continued to build more vessels, he replied, “Sir, do not you know that *Hope* is the last thing that forsakes the human breast?”

<sup>1</sup> See *ante*, p. 42–8, Reports from their Consuls.

<sup>2</sup> Evidence of Captain Briggs.

In nautical skill, Mr. Richmond held the British captain of the present day fully equal to the captain of former days; while he, also, thought, that the ruder the man, on his admission into the hardy profession he was to adopt, the more advantageous it might be to him, at least in the discharge of the rougher part of his professional duties. In the pursuit of freights abroad, on the "seeking system," these captains, he admitted, might be inferior to some continental captains; but the business of chartering a ship belonged more strictly to the shipbroker; the captain, in his opinion, being in a relation not unlike that of the driver of a coach.

Praises  
their  
nautical  
skill and  
capacity.

With regard to British seamen, he considered that they, like all other classes, had become more temperate of late years, but were always less a spirit-drinking people than the Germans. The bad accommodation for the common sailor on board merchant ships might destroy his comforts, but not his morals; and honourable testimony had been given by an American captain,<sup>1</sup> that he would prefer the English seaman to any in the world, even to Americans. Every person, he thought, must concur with him in the opinion that our seamen were, what they had ever been, "a danger-defying, skilful, thoughtless, improvident, and perhaps a turbulent race:" and Mr. Richmond appealed confidently to Admiral Dundas, who sat on the Committee, whether he would not rather go into action with 100 British seamen than 200 seamen of any other nation?

His cha-  
racter of  
common  
seamen.

It is unnecessary to enter into the details of the

<sup>1</sup> Evidence of Captain Briggs.

Attacks  
Mr.  
Porter.

elaborate and curious tables<sup>1</sup> Mr. Richmond prepared to show that there were as many ships as formerly, and that their increase had kept pace with the population between 1816 and 1846. Having explained these tables, he then, in no very measured terms, charged Mr. Porter with "cushioning," or covering up for an unfair comparison, the merchant navies of surrounding nations, and especially that of the United States. He accused that gentleman distinctly of giving unfairly all the ships engaged in the foreign, coasting, and colonial trade of England, in his return of British tonnage; while the ships of the United States, engaged in the foreign trade *only*, were given in that of the American tonnage. By these means, an attempt was made to prove that a large mass of tonnage of foreign nations was "cushioned" up, or kept out of sight of the English people, because it would alarm them, if they were to see such an immense tonnage of foreign vessels rising around them, "as the day would come when they would knock at our doors."

Offers  
valuable  
details of  
ship-  
building.

Elaborate tables of the prices of articles used in ship-building, furnished by Mr. Richmond, on the authority of the most competent persons engaged in the respective branches of this trade, will be found in his evidence; and, here it may be desirable, as a record of facts, to give an extract from a communication from the principal agent of Lloyd's, which Mr. Richmond read to the Committee, in reply to a query with reference to the cost of new first-class

<sup>1</sup> These tables occupy much space. Vide 'Report,' p. 690. House of Commons Inquiry.



ships, as it appears that sales were effected at the prices therein named.<sup>1</sup>

The price per ton declined 1*l.* per ton, according to the years for which the vessel was classed; and according to the North Country Club Rules, 3*l.* 10*s.* per ton may be added to these prices for a Baltic outfit—that is, for a ship when ready for a Baltic voyage. As a corollary to these prices, which were, indeed, much lower than the London rates (bad as well as good ships being built in Sunderland), a list was given of the shipbuilders who had failed in Sunderland within the short period from 1841 down to 1847. The list comprised no less than 40 names—a melancholy catalogue—many of them were men whose fathers and grandfathers had moved in good circles: yet these men had all failed owing to the depression of business then prevalent.

On the question of *Reciprocity*, about which there was, subsequently, so much discussion, Mr. Richmond declared, that there could be no prosperity in England till the Reciprocity Treaties, as well as all the Orders in Council enforcing them, were totally repealed. He looked with extreme jealousy at the beautiful and well-appointed ships frequenting Newcastle from Russian and Swedish Finland: but, he saw that no fairer class of merchant ships came to

Is prepared to go all lengths in favour of Protection.

						Per Ton.	
						£	s.
<sup>1</sup> A ship 12 years, A 1 Class, 300 tons old measure, built complete, sold for .. .. .						12	12
„	10	„	A 1 Class,	ditto	ditto	..	10 10
„	9	„	A 1 Class,	ditto	ditto	..	9 0
„	8	„	A 1 Class,	ditto	ditto	..	8 0
„	7	„	A 1 Class,	ditto	ditto	..	7 0
„	6	„	A 1 Class,	ditto	ditto	..	6 0

any port; their dimensions, their rigging, everything about them was admirable; while their commanders and officers inspired respect from their general competency. Their log-books were beautifully kept in English: and, from the education the younger population, who were destined for the sea, received, no better disciplined nor more orderly or sedate crews could be seen than on board these ships.

His  
jealousy of  
the  
Northern  
Powers.

No doubt, these northern maritime countries could be regarded in no other light than that of formidable rivals. Therefore Mr. Richmond and his fellow-shipowners saw with alarm any efforts made to throw open the trade of the Empire, as the increasing success of these foreign rivals must obviously dispossess English shipowners of an immense portion of the carrying trade. Mr. Richmond, therefore, demanded, that not only the Reciprocity Treaties should be annulled, but that the law of Charles II. should be adopted, which enacted that "no goods or commodities whatsoever of the growth, production, or manufacture of Africa, Asia, or America, or of any part thereof, or which are described, or laid down, in the usual maps or cards of those places, be imported into England, Ireland, or Wales, the islands of Guernsey, Jersey, or the town of Berwick-upon-Tweed, *in any other ship or ships*, but in such as do truly, and without fraud, belong only to the people of England," &c.

Such were the extreme views promulgated by many of the advocates of Protection. Indeed, the majority of the shipowners, especially of the eastern ports, would not have hesitated to retaliate on the

vessels of the northern nations with hostile tonnage duties. Nor was their feeling less hostile against France, though the trade with that country was insignificant except for the conveyance of coals; as, in all the French contracts, it was stipulated that coal should be transported thither in either French or English vessels. The extreme Protectionists asserted that the Spaniards and Italians were monopolising a large portion of the trade from Liverpool; and that American merchants, in sending an order for goods to be executed in England, "gave special orders that they should be shipped on board an American liner."

As, however, the object of this work is rather to show the practical working of the old Navigation Laws than to dwell on the political opinions propounded in this controversy, it is desirable to allude to the evidence given by Mr. Braysher, at that time the Collector of Customs in London,<sup>1</sup> who stated that in the discharge of his duties it was requisite to see that the Navigation Act was duly enforced.

Some curious results were developed in the course of his evidence with regard to the working of these laws. Thus the second clause of the Act relating to the trade between Europe and England gave certain privileges in the carrying of twenty-nine "enumerated" articles, all of which, with two exceptions, were raw materials, and, therefore, only importable from Europe in British ships. The intention of the law had been, originally, to permit the importation of raw materials only; and, till recently, all manu-

Evidence  
of Mr.  
Braysher,  
Collector  
of  
Customs  
in London.

<sup>1</sup> *Vide* Evidence of Mr. Braysher, 2297.

General  
effect of  
the Navigation  
Laws on  
the  
Customs.

factured goods were either positively or virtually prohibited by the imposition of the high duties. It appeared, however, that butter and cheese, and also the spirit named geneva, could be imported in foreign ships, but no advantage was taken of this privilege. The timber trade differed, as that article could be imported in a ship of the country where it grew, or in a ship of the country from which it was usually brought, but this privilege, with these exceptions, was given entirely to British vessels. Nevertheless, British ships did not generally bring timber from the Baltic ports to England; while in the unprotected trade of butter and cheese, which was considerable, British shipowners, by means of steamers, monopolised the chief part of it.<sup>1</sup> The inference from these circumstances was drawn that Protection had very little to do in controlling the course of this trade. Russia was, however, an exception, as the vast proportion of that trade was carried on by British ships; and this, necessarily, arose from

With the  
Northern  
ports.

<sup>1</sup> It followed from the system, that there was coincidently a protected trade and an unprotected trade. The *protected* trade included in 1847 the whole coast of Africa and Cape of Good Hope, St. Helena and Ascension, Mauritius, British India, the British North American Colonies, the Australian Colonies, the British West Indies, the Fisheries, and the Channel Islands. The *unprotected* trade included Russia, Sweden, Norway, Denmark, Prussia, Germany, Holland, Belgium, France, Portugal, Spain, Italy, Gibraltar and Malta (\*), Turkey, the Morea and Egypt, Tripoli, Barbary and Marocco, China, Sumatra and Java, the foreign West Indies, the United States of America, Mexico and the States of South America, the Ionian Islands, the Cape de Verde and the South Sea Islands. In these two categories, protected and unprotected, the whole of the British trade was then comprehended.

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(\*) Gibraltar and Malta, although colonies of the British Crown, were considered as not in Europe, or foreign countries, with reference to the Navigation Laws, and our Customs Regulations.



the provisions of the second clause of the Navigation Act, because tallow, hemp, flax and pitch, the chief produce of Russia, could only be brought in British or Russian ships; and, as there was not a sufficient Russian mercantile marine to maintain the trade, a virtual monopoly of it fell to British ships, partly through the Navigation Law and partly through the relative circumstances of the merchant marine of the two countries.

Much stress was laid on the fact that goods, the produce of "America," could not be brought from Europe; thus, by this clause, American cotton once landed at Havre<sup>2</sup> could not be brought over for the consumption of the manufacturers, whatever demand might exist for the article. It was, however, proved that this clause was framed long prior to the American independence, and, hence, had no special reference to cotton, nor, indeed, any political tendency.

It appeared, however, unquestionable, taking the two Navigation Laws together, the American Law and that of England, so far as the trade between the United States and Great Britain was concerned, that we had decidedly the worst of it. Again: the fifth clause of the Navigation Act was the cause of much question at the Customs, and occasioned great inconvenience; this clause ran thus; that all "manufactured" goods shall be deemed to be the produce of the country of which they are the "manufacture." Thus, coffee imported at Hamburg from its place of growth

and  
America.

Difficulty  
about  
"manu-  
factured"  
articles.

<sup>2</sup> On April 3, 1848, Mr. Bright urged on Mr. Labouchere the propriety of importing cotton from Havre, then abundant there; but he replied that the Minister could not abrogate the Navigation Laws; Hansard, vol. xvii. p. 1202.

in Asia or America was roasted and ground there ; but, when merchants attempted to bring it into England as a manufactured article, the claim was refused by the law officers of the Crown. Again, mahogany, cut into veneers, was at first not allowed to be a manufactured article ; but this decision was afterwards reversed, and veneers were deemed manufactures. In like manner, ostrich feathers, brought from Africa and manufactured in France, offered a very doubtful case, and was, in fact, left undecided, though the impression was, on the whole, adverse to their admission. Refined sugar was deemed a manufacture ; and, thus, while *raw* sugar, the growth of Brazil or Cuba, could not come in from Holland, it could, when refined, be imported. A recent Act required that refined sugar should not only be the produce, but the growth of the country from which it was imported, thereby causing a new difficulty, and showing that the law discouraged the refining of sugar in Holland, and discouraged it at the place of growth.

Anomalies  
of coasting  
and inter-  
nal trade.

Again : it was shown that, from the earliest period, foreign ships which could not carry goods from London to Plymouth, could, nevertheless, carry passengers, as such a trade was not considered by the Customs authorities to be trading *coastwise*. Nay, it further appeared that foreign vessels could have engaged in the internal trade of the country, there being no legal impediment to prevent a Dutch vessel from plying, either with goods or passengers, between London and Gravesend. The like principle might have prevailed on any of the rivers of the kingdom ; but a foreign vessel would not have been allowed to

carry goods from one *port* to another. The interdiction against foreign vessels carrying "passengers" was only inserted for the first time in the 8 & 9 Vict., cap. 88 (1845), and, previously to this period, there was no law to prevent a foreign steamer carrying passengers between two English ports; while, even in 1847, a vessel built in Norway could have plied in the Thames. Foreigners, however, either were ignorant of the law, or did not avail themselves of it, considering it a barren advantage.

With Mr. Braysher's evidence may be brought to a close the extracts necessary to be given from the mass of conflicting statements and documents laid before Mr. Ricardo's Committee, and I may now proceed with the general history of the measures pursued and subsequently adopted.

On the 17th of July, the Committee of the House of Commons held its last sitting; and as a dissolution of Parliament was impending, the Committee, after having published four successive reports, strictly confined to the minutes of the evidence taken before them, came to the conclusion of closing the inquiry. The Protectionist shipowners complained that this abrupt termination of the inquiry was brought about with the view of suppressing the evidence of Mr. D. C. Aylwin, an intelligent merchant connected with the Calcutta trade, who was in attendance to give counter-testimony to many of the Free-trade witnesses. It was also patent that, during the investigation, while twenty-five witnesses had been examined in favour of the repeal of the Navigation Laws, on the other hand, for their defence and maintenance, only nine persons had been called to give their testi-

Committee's last meeting, July 17.

General dissatisfaction with the results of the inquiry.

mony. It was therefore urged that the proceedings of the Committee and the abrupt termination of the inquiry were anything but fair, the more so that no practical results had been obtained, though the evidence procured was, ultimately, of considerable importance.

Thus ended this important inquiry in a manner scarcely satisfactory to either party; nor was the investigation again revived in the committee-rooms of the House of Commons, the scene of the contest being transferred elsewhere. On the 23rd July, 1847, Parliament was dissolved; and at the subsequent general election the Free-trade party was triumphant everywhere, Mr. Cardwell gaining his election at Liverpool, while Mr. Cobden was returned in his absence for the West Riding of Yorkshire, as well as for Stockport; Mr. C. P. Villiers, on whose motion the Corn Laws had been repealed, being also doubly returned for South Lancashire and Wolverhampton, both these elections affording thereby unmistakable evidences of the feeling of the country in favour of unfettered commerce. With so great an accession of strength to the Whig Government, further progress in Free-trade measures became inevitable, and the greatest uneasiness prevailed among shipowners as to their future destiny.

Commer-  
cial panic

Though events of a calamitous character to general commerce intervened, the shipping interest escaped, and, indeed, flourished. Beyond the large quantities of corn necessary to import, so as to meet the urgent wants of the famishing people of Ireland, it was found by the end of December, 1846, that the deficiency of grain in France, Belgium, and Germany, as well as



in the south of Europe, was greater than had been apprehended, and, consequently, prices rose throughout the Continent, the average reaching 75s. per quarter in England.<sup>1</sup> Suddenly, large quantities of shipping were again required to execute orders received from France and Belgium for purchases made at advanced prices. The alarm lest the scarcity should still further increase became general; and, in consequence of this, together with apprehensions for the home crops, the average price of wheat rose in May (29th), 1847, to 102s. 5d.<sup>2</sup> Such prices naturally led to great speculation; while the efforts made to bring corn from the most distant regions gave an enormous impulse to the carrying trade, both in Europe and elsewhere.<sup>3</sup>

But a frightful reaction soon followed. Corn was poured into the ports of Great Britain from all parts of the world with astonishing rapidity. The docks of Liverpool exhibited a quantity of flour that, perhaps, had never been, at any previous period or in any country, imported by merchant vessels to one market. Prices fell to 56s. per quarter for wheat, and heavy commercial disasters ensued. Money advanced in value; in August and December the pres-

and dis-  
tress of  
1847.

<sup>1</sup> See Tooke's 'History of Prices,' vol. v. p. 95.

<sup>2</sup> Mr. Tooke says in a note that the highest price in Mark Lane had been reached on the 17th May, when 115s. per quarter was paid for wheat; a very fine parcel was sold in the Uxbridge Market, at 125s.

<sup>3</sup> The total quantity of grain imported of all kinds into this country was 3,790,957 quarters in 1846; but the total imports in 1847 reached 9,436,677 quarters, while the imports of meal and flour in these two years amounted to 3,347,565, and 8,633,991 cwts. respectively. That year my firm alone (W. S. Lindsay and Co.) chartered, in their capacity as shipbrokers, vessels to bring from the Black Sea, Egypt, America, and elsewhere, no less than 1,250,000 quarters of grain of different sorts.

Suspension of  
Bank  
Charter  
Act.

sure for it increased to a panic. The Bank rate of interest rose to 10 per cent.; and the discount of the best paper became almost impossible. Numerous failures followed; and as representations were made that the credit of the country itself was seriously threatened, Government, on the 25th October, reluctantly stepped forward to arrest further disasters, and took upon themselves the responsibility of risking the violation of the provisions of the Bank Charter Act of 1844; Lord Russell, as First Lord of the Treasury, and Sir Charles Wood, then Chancellor of the Exchequer, advising the Bank to enlarge the amount of its discounts and advances to a minimum of 8 per cent., promising if any infringement of the law should result that Government would secure a Bill of indemnity for the Bank on the meeting of Parliament.

The measures taken by Government produced a salutary effect on commercial circles; and as no actual infringement of the Bank Act of 1844 had occurred, Ministers, considering the purpose they had in view by their letter of October 25th fully answered, intimated that it was unnecessary any longer to continue in force this letter of relief and indemnity.

## CHAPTER VII.

New Parliament, November 18, 1847—Speech from Throne—Mr. Robinson and Shipowners deceived—Conversation between Mr. Bancroft and Lord Palmerston—Mr. Bancroft's declaration—Official letter from Mr. Bancroft to Lord Palmerston, November 3, 1847—Lord Palmerston's reply, November 17, practically giving prior information to the Americans—Lord Clarendon tells the Shipowners' Society that the laws will not be altered, December 26, 1846; and repeats this assurance, March 15, 1847—Interview between Lord Palmerston and Mr. Bancroft, published in 'Washington Union,'—Excites great indignation when known in England, January 1848—Parliament re-assembles, February 3, 1848—Lord Palmerston admits the correspondence with America—The Earl of Hardwicke's proposal, February 25, 1848—Earl Grey grants a Committee—Evidence of the Shipowners before the Lords' Committee—Mr. Young proposes some modifications, the first concessions of the Anti-Repeal Party—Claim in favour of direct voyages—Government insists on Total Repeal—Detailed views of Admiral Sir George Byam Martin—Importance of keeping up the merchant navy—Arguments from his personal experience as to its value as a nursery for seamen—Working of the system of apprenticeship, and of impressment—Evidence of Admiral Berkeley, and of Mr. R. B. Minton—Details about American ships—Reciprocity treaties so far as they affect Americans—Their whale fishery.

ON the 18th of November, 1847, the new Parliament was opened by commission. It had been thus early called together to consider the distress caused by the recent commercial embarrassments and the severe pressure still prevailing in Ireland, notwithstanding

New Par-  
liament,  
November  
18, 1847.

an abundant harvest, together with the importation of an unprecedented quantity of grain, flour, and provisions.

Speech  
from  
Throne.

The Speaker having been chosen, the Speech from the Throne, delivered by the Marquess of Lansdowne, contained the following important paragraph :—“ Her Majesty recommends to the consideration of Parliament the laws which regulate the navigation of the United Kingdom, with a view to ascertain whether any changes can be adopted which, without danger to our maritime strength, may promote the commercial and colonial interests of the empire.”

Mr. Robin-  
son and  
Ship-  
owners de-  
ceived.

The guarded terms in which this paragraph was couched lulled the suspicions of some of the leaders of the Protectionist party. Mr. Robinson, a merchant connected with the Newfoundland trade, and an influential member of Lloyd's, was, at that time, in Parliament for the borough of Poole. On the debate on the Address, he said, “ *that with respect to the Navigation Laws, he had looked with much attention to the precise words in her Majesty's Speech on this subject, and he did not object to them.* He did not object to inquiry into those laws, with a view to consider any or what relaxation or modification might be made applicable to the existing state of things, and the maintenance of the maritime interests of Great Britain and her dependencies.”

But though Mr. Robinson and the party of whose views he was then the exponent may have deluded themselves into a belief that Government had no intention of bringing any measure into Parliament for the abrogation of the Navigation Laws, it is, now, beyond doubt that the administration of Lord Russell,



whatever might have been his Lordship's individual opinions, had resolved to introduce and support, with all its power, a very sweeping measure. In the autumn of 1847 the American Minister put himself in communication and had interviews with Lord Palmerston, Secretary of State for Foreign Affairs, at which Mr. Labouchere was present.<sup>1</sup> On one of these occasions, Mr. Bancroft informed them that the American Government, believing it was the disposition of Parliament to make a large and liberal alteration in the Navigation Laws, was anxious to co-operate with the English Ministers in that great work, and, in conjunction with them, to set an example which he hoped would be productive of important and salutary effects. Mr. Bancroft's language was singularly expressive and emphatic. In one of the interviews he said to the English Ministers: "We are ready to do anything you like; if you can do but little, we must do little; if you can do much, we will do much; IF YOU SHALL DO ALL, WE SHALL DO ALL."<sup>2</sup>

Conversation  
between  
Mr. Bancroft and  
Lord Palmerston.

Mr. Bancroft's declaration.

This important declaration (whether or not Mr. Bancroft had any authority for making it in all its fulness) became at a future period the subject of incessant comment and controversy. It is important, therefore, that the facts, as they occurred, should be clearly stated. There can be no doubt that this conversation took place in the month of October 1847, but what Mr. Bancroft meant must probably ever remain

<sup>1</sup> I take this from Mr. Labouchere's account given many months afterwards. See Hansard, vol. xeviii. p. 1008.

<sup>2</sup> These are the exact words given by Mr. Labouchere in his speech, May 15, 1848.

a matter of conjecture. If, however, language is of any value in conveying the views or intention of the person who speaks, it may fairly be presumed that the *positive* expression "little" had reference to the carriage of European produce, indifferently, in either American or British ships to the ports of the United States, and the general produce of the world from American ports in the like manner to ports of Great Britain. The equivalent the Americans could give in return for the *comparative* "much," presuming this to mean unrestricted trade with British colonies, is difficult to conjecture; seeing that the Americans have no colonies, and, in point of fact, no equivalent whatever to give. As regards the *superlative* "all, in return for all," it could only have had reference to the coasting trade so jealously guarded at that time by *both* countries; and, in the sequel, it will be evident how far this magnanimous offer corresponded with the tenacious policy then and to this day adhered to by the United States Government.

Lord Palmerston, entertaining a strong feeling in favour of the repeal of the Navigation Laws, at once perceived what use could be made of the concurrence of the United States Government in a LARGE measure of reform. He accordingly requested Mr. Bancroft to put his views in a formal communication, which was done as follows:—

Official  
letter from  
Mr. Bancroft  
to Lord Palmerston,  
November  
3, 1847.

" American Legation, 3rd November, 1847.

"The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to inquire of Viscount Palmerston, her British Majesty's Principal Secretary of State for Foreign Affairs, if her Majesty's Government is inclined to remove existing restrictions on international commerce.

“ *Universal reciprocity, in the widest sense*, is held by the American Government as the only thoroughly appropriate basis for intercourse between two great nations. The prohibition of the indirect trade has but restrained enterprise : it has done good to neither country. To abrogate it would at once set free dormant commercial wealth without injuring any one.

“ Should her Majesty’s Government entertain similar views, the undersigned is prepared on the part of the American Government to propose that British ships may trade from any port of the world to any port in the United States, and be received, protected, and, in respect to charges and duties, be treated like American ships, if, reciprocally, American ships may in like manner trade from any port in the world to any port under the dominion of her British Majesty.

“ The removal of commercial restrictions, while it would be of mutual advantage to the material interests of both countries, could not but give openings to still further relations of amity between them, and, by its influence on the intercourse of nations, create new guarantees for the peace of the world.

“ The undersigned, &c. (Signed) “GEORGE BANCROFT.”

The following reply was given by Lord Palmerston :—

“ SIR,

“ Foreign Office, 17th November, 1847. Lord Pal-

“ I have lost no time in communicating to my colleagues your note of the 3rd inst. on the subject of the Navigation Laws which regulate the commerce of the British Empire and that of the United States with each other. merston’s  
reply,  
November  
17,

“ This question has already engaged the serious attention of her Majesty’s Ministers, and we observe with pleasure that the sentiments we entertain with regard to it are shared by the Government of a country, with which we are so closely united by the ties of an extensive commerce and of a common origin.

“ We do not, however, think that we should be justified in advising the Crown to enter into an engagement which would be at variance with some of the most important principles of the existing Navigation Law without the previous sanction of Parliament; but it is our intention to propose to Parliament, without unnecessary delay, measures which would enable us to

place our commercial intercourse in regard to the matters to which your note refers on the most liberal and comprehensive basis with respect to all countries which shall be willing to act in a corresponding spirit towards us.

(Signed) "PALMERSTON."<sup>1</sup>

practically giving prior information to the Americans.

Lord Clarendon tells Ship-owners' Society that the laws will not be altered, December 26, 1846, and repeats this assurance, March 15, 1847.

It thus appears that the English Ministers communicated their intentions formally and explicitly to the American Government, and, through that Government to the American people, a day before they chose to inform the English Parliament and the nation, somewhat vaguely, in the Queen's Speech, of the course they might, eventually, be led to pursue. A year previously, on the 21st of December, 1846, the Shipowners' Society of London had had an interview with Lord Clarendon at the Board of Trade.

On that occasion, as appears from the Minutes of the Society, they were graciously received, and assured in distinct language, that no intention was entertained on the part of her Majesty's Government of making any alteration in these laws. Three months later, on the 15th March, 1847, these gentlemen, entertaining a feeling of mistrust in the then governing powers, went again to the Board of Trade and asked the same question, and were once more assured that there was no intention on the part of Government to interfere with the fundamental principles of the Navigation Laws; that an individual member, Mr. Ricardo, had indeed mooted the subject of a committee, which Government could not refuse, but that the committee should be a fair one, with Mr. Milner Gibson<sup>2</sup> as chairman, as they

<sup>1</sup> Vide 'Parliamentary Papers,' vol. lix., 1847-8, p. 33.

<sup>2</sup> Vice-President of the Board of Trade.



were desirous to give satisfaction to all parties interested. So far no intention was expressed of tampering with these laws; and we have seen that Mr. Robinson, on scrutinising the terms of the Queen's Speech in November, acquiesced in its propriety, no suspicion having entered his mind, that, already, these laws were foredoomed by Ministers, still less that, the very day before Parliament met, they had communicated their intentions to a foreign maritime Power—a nation, too, which, at that moment, was straining every nerve to wrest from us the supremacy of the ocean. Under such circumstances as these, the following article, first published in the 'Washington Union,'<sup>1</sup> created intense astonishment. Nor is it surprising that it should have done so:—

“*Repeal of the Navigation Laws.*—A correspondence has taken place between the British Secretary for Foreign Affairs and our Minister at that Court relative to the repeal of the Navigation Laws of Great Britain. Mr. Bancroft applied to Viscount Palmerston early in November to learn whether Ministers would consent to establish with the United States a perfect system of reciprocity, in making all vessels of either country, fitting out from any port of the world, free to trade to any port of the other nation, whether home or colonial. Viscount Palmerston, after the lapse of some weeks (*it was just fourteen days*), replied that, although her Majesty's Ministers did not feel at liberty to advise her Majesty at once to make such a change in the commercial system as was asked by Mr. Bancroft without the consent of Parliament, yet as soon as that body

Interview  
between  
Lord  
Palmer-  
ston and  
Mr. Ban-  
croft pub-  
lished in  
'Washing-  
ton Union.'

<sup>1</sup> This paper was the Government organ.

should meet, a measure would be introduced which would embrace all the views put forth by Mr. Bancroft in his note. It is not doubted that Parliament will at once act favourably on the Bill. The importance to the United States of such a measure can scarcely be exaggerated. The British colonial system has been a most grievous restriction on our commerce, and its annihilation, as promised by Lord Palmerston, will open to our enterprising merchants the lucrative trade of the East and West Indies, and of the other British settlements from which they have been hitherto debarred. This will be the greatest stride yet taken by Free-trade: and it is *not to be doubted that all Europe will follow the example of Great Britain!* The liberal commercial treaty made by Hanover with the United States has been in no small degree instrumental in disposing the British Government to this wise measure. The Rhine provinces have recently imitated the example of Hanover towards the United States; and everywhere silently but steadily our commercial relations are being put upon the most advantageous footing. The repeal by Great Britain of the laws restricting the trade of the United States with her colonies will be far more beneficial to this country than any commercial treaty ever made by our Government."

Such was the announcement put forth in the American journals semi-officially, and the reader will judge how far this "puff direct" of the American executive was borne out by facts, or the dates and tenor of the correspondence given between the American Minister in England and the English Secretary of State for Foreign Affairs. The spirit of the most

perfect liberality, and, I must add, *complete reciprocity*, seemed to pervade all Mr. Bancroft's professions when communicating with Lord Palmerston and Mr. Labouchere, promising "little, much, and all," according as the same could be obtained from Parliament. In his special despatch, he described the concessions his Government was prepared to grant, as universal reciprocity in its widest sense, which, if it meant anything at all, meant the opening to our ships of their extensive coasting trade in return for the opening of our still more extensive colonial trade to the ships of the United States; or, if such was not his meaning, it meant that, *when* we opened our coasting trade, they would do so likewise. But the latter portion of his despatch, and the semi-official announcement in the 'Washington Union,' contain, in other respects, many vague generalities and, as subsequently appeared, the Government of the United States never had any intention of opening its coasting trade to the ships of Great Britain.

When the correspondence transpired in January 1848, it created great astonishment, if not alarm and indignation, throughout the country, especially among shipowners and all persons who considered that their best interests were interwoven with the maintenance of the Navigation Laws. The Conservative press loudly reproached Lord Palmerston for having made known the intentions of Government with regard to this important measure to the American Minister before communicating them to Parliament; nor could the Liberals approve of the course that had been adopted.

Excites  
great in-  
dignation  
when  
known in  
England,  
January  
1848.

Parliament re-assembles on February 3, 1848.

Lord Palmerston admits the correspondence with America.

On the evening of the 3rd February, 1848, the day of the re-assembling of Parliament, there was considerable excitement in the House of Commons, and, amidst it, Mr. Robinson asked the Foreign Minister whether any correspondence or communication had taken place between him and the Minister of the United States about the Navigation Laws; and, if so, whether he would lay it upon the table? Lord Palmerston, with the ready tact for which he was distinguished, and with the smiling coolness so characteristic of him, especially in times of excitement, at once and frankly avowed that there had been such a correspondence; looking, with a twinkle in his eye and a smile on his lip, at Mr. Robinson, as if to inquire in turn, and "if there has been, what is there to make such a fuss about?" adding that the correspondence would, at once, be laid on the table.

This announcement, perhaps more from the manner in which it was made than from the fact accompanying it, that Ministers intended immediately to submit to Parliament a proposition on the subject, quieted the House, but, at the same time, awakened the shipowners out of doors to what they considered their dangerous situation. They felt conscious that, in the House of Commons, a Free-trade majority would sanction any measure the Government might have the courage to propose. On the other hand, in the House of Lords, where popular passions prevailed less, they hoped to find a less prejudiced tribunal; hence, they prudently resolved to change the "venue," and to appeal to the Upper House for the perpetuation of Protection. With this view they selected



Lord Hardwicke as their mouthpiece and champion ; and, in order to complete the inquiry commenced by the Lower House in the preceding session, resolved to move the appointment of a Committee of the Lords to inquire into the policy and operation of the Navigation Laws ; the shipowners being sanguine that there, at least, they would be able to make out a satisfactory case, and counteract the one-sided evidence they conceived had been given by the repeal party before the Committee of the Commons.

Accordingly Lord Hardwicke on the 25th February, pursuant to notice, moved the appointment of a Select Committee of the Lords.<sup>1</sup> Recapitulating in his speech the events of the preceding year, and, dwelling in terms of indignation on the dissimulation which, he said, had been practised, he charged Ministers with having deceived the country ; and stigmatised the whole evidence before the Committee of the Commons as one-sided and unfair. He complained that a distinguished officer of the Royal Navy, Sir James Stirling, had given his evidence in favour of the abolition of the Navigation Laws ; but that, before he could be cross-examined, the Committee were informed, that the duty of the gallant officer required his absence, and that he had sailed from England. His Lordship then entered into numerous details, pronouncing Mr. Porter's evidence to be false ; he, and the statistical officers of the Board of Trade, "being learned in that description of theory which was so popular now-a-days ;" whereby forty-seven vessels of 7101 tons, which had, in 1846, entered inwards from French ports, were converted, by multiplying the

The Earl  
of Hard-  
wicke's  
proposal,  
February  
25, 1848.

<sup>1</sup> See Hansard, vol. xvi. p. 1313.

number of entries inwards, into 228,186 tons, and by treating the clearances outwards in a similar manner magnified to such an extent that they represented 556,824 tons; while the *Prince Ernest*, a passenger and mail boat, employed between Calais and Dover, of 145 tons, figured in the Custom House returns as 24,215 tons of British shipping!<sup>1</sup>

Earl Grey  
grants a  
Commit-  
tee.

Earl Grey, in granting the committee, took care to express an opinion, that no further inquiry was necessary. He defended the course taken by his colleague, Lord Palmerston, contending that no understanding had been come to with the Government of the United States with regard to the repeal of the Navigation Laws, and that the correspondence implied nothing more, than that a mutual relaxation of existing restrictions would be beneficial to the maritime commerce of both countries: he concluded by defending Mr. Porter's returns, and added, that "their Lordships would find that, on strict examination, the allegations of falseness would vanish altogether."

Evidence  
of the  
Ship-  
owners be-  
fore the  
Lords'  
Commit-  
tee.

The contest being thus transferred for the time to a Committee of the Lords, the shipowners feeling sure of success before this tribunal, brought forward a large amount of evidence, much of which was instructive, though somewhat conflicting. Mr. G. F. Young, who again took the leading part, insisted that if foreign ships were allowed to trade indiscriminately with British possessions, and took part in the indirect trade with foreign countries, it would be impossible that British ships could obtain an equivalent, because by far the greater proportion of

<sup>1</sup> 'Parliamentary Paper, 1847,' No. 28.

foreign States do not possess any colonies. But, even if they had anything to offer in return, he had little faith in "reciprocity;" because every nation, *except England*, appears to exhibit, with respect to its maritime commerce, an intense feeling of nationality, and a fixed determination to support its commercial marine. Sweden, he said, admits any article used in the construction and equipment of Swedish-built ships duty free, and remits to such vessels, for the first year after they are built, the export duties on goods charged to others. Russia adopted a somewhat similar policy by exempting all vessels built in that country from the payment of her port-charges, for the first three years after they were launched. But Mr. Young failed to see that, while all such concessions as these must be made good by extra taxes on the people of the respective countries, they were at the same time prejudicial to their own shipping, in that they encouraged the production of cheap and inferior vessels.

Numerous arguments of a similar character were adduced, some based on facts, others on conjectures; and not a few adverted to heavy losses the British shipowner contemplated from causes which never had and never could have any real existence. Prussia, for instance, he said, confines the trade in the importation of salt to her own ships, which was true; America, invariably, gave the preference to her own ships, a statement either conjectural or, in some degree, supported by the fact that her merchants often found it to their interest as traders, and, not through any feeling of "intense nationality," to employ on certain trades their own ships in pre-

ference to those of any other nation. He further alleged that British shipowners would be irretrievably ruined by the admission of foreign ships, an assertion, of course, speculative, or purely imaginary. While maintaining that the evils of the Navigation Laws had been greatly overrated, he thought the advantages of these restrictive laws were equally exaggerated. He, however, attached the very greatest importance to the "Long Voyage clause," considering that it was far from clear that the interests of the country required its repeal, or that it could be safely repealed without the most injurious consequences to British navigation; in a word, he thought no other clause in the Navigation Act so essential to the maintenance of British navigation.

He could not, however, fail to see that the impossibility of bringing American cotton from Havre, cochineal from Teneriffe, or hides from Buenos Ayres (about which great complaints had been raised), occasioned great inconvenience. The cochineal from Teneriffe was no doubt, as explained elsewhere, absurdly exaggerated as a grievance, but it involved other articles, and could not be maintained on principle.

Mr. Young  
proposes  
some modi-  
fications,

Mr. Young, therefore, to remedy this evil, suggested a modification of the third clause of the Navigation Act, by introducing some words with respect to the produce of distant quarters of the world, as that which regulated by the second clause the importations from Europe; namely, by the limitation of the restriction to certain articles to be specifically enumerated; the enumerated articles being made to comprise all those bulky commodities, the retention of the importation of which to British shipping was



of the last importance, while the surrender of the remainder would not materially affect British maritime commerce, and ought therefore, in his opinion, to be conceded to general convenience. The effect of this would be to exclude from the restriction such minor articles as are not the staple produce of those countries, and which, though not entering largely into British consumption, might occasionally be required as part of assorted cargoes. Another relaxation Mr. Young proposed, guarding himself, however, by stating that he had no authority to do so from any constituted body of shipowners, was to introduce in like manner, in perfect accordance with the general principle of the Navigation Laws, a permission to import the produce of Asia, Africa, and America, not only from the country of production, but, from the country within those distant parts of the world in which the produce might be found. Under such a regulation, he explained that if it should happen that the hides of Buenos Ayres were found at New York, it would enable those hides to be imported into England either in British ships or in American ships; and it would enable tea, the produce of China, in like manner to be imported from New York, or any part of Asia, Africa, or America.

This was, perhaps, the first concession which the anti-repeal party had made with regard to the Navigation Laws. They vainly thought it would tend to settle the whole question. They saw that the relaxation proposed, if fully carried out, while meeting many of the cases of real grievance complained of by commission merchants, would practically retain most important advantages they would never consent to

the first  
conces-  
sions of  
the Anti-  
Repeal  
party.

relinquish, but which they would as certainly lose if they were to allow the importation of goods, the produce of distant quarters of the globe, in foreign ships direct into Great Britain from the place of production.

This modification of the Navigation Laws was, doubtless, important, and was said to be in strict harmony with the principle then regulating the importation of goods from the various countries of Europe, which, in 1825, was permitted by Mr. Huskisson to be made from the place where found, the earlier restriction having been that the importation must be from the place of production.

Claim in  
favour of  
direct  
voyages.

The shipowners would still have retained to British shipping the advantage of the direct voyage, which was, after all, their great point. In consenting to the plan, they urged that, in the end, the interest of the consumer would be equally secured with that of the shipowner, by giving that encouragement afforded by the Navigation Act to direct rather than indirect importation. The opponents of repeal exhibited great alarm lest, if indirect importations were permitted, these would take place from distant ports of the world into the nearer ports of Europe, and be there warehoused: and they expressed the fear that the people of this country would then consume considerable proportions of the productions of tropical climates, burdened with the expenses of previous importation into the ports of continental nations, in addition to what was then paid under the limited direct importation!! It was only, he said, with the view of remedying palpable absurdities, such as that of the hides brought from Buenos Ayres to Ham-

burg, that Mr. Young suggested a modification of the existing law, which he thought would not merely meet that case, but also remove the greater part of the inconveniences complained of arising from the operation of the Navigation Laws.

But these concessions were not sufficient for the re-quirements of Government. They, or rather the Free-trade party, which had by this time greatly increased in power and influence, had long felt that the principle on which the Navigation Laws were framed was entirely wrong, and consequently, that they could not accept any modification short of total and unconditional repeal. But they knew, also, they had still a powerful party to contend against, and that it was necessary to fortify their opinions by as strong an array of facts as could be collected. These were not, however, easily obtainable; nor could the advantages derivable from free navigation be proved by experience. No nation as yet had put this to the test; and, in fact, experience would hitherto have shown that the experiment of throwing open British ports to vessels of all nations, so that they might enter and depart, unconditionally, would have been alike unwise and dangerous. Nevertheless, Government felt its views to be sound, and that the change contemplated would benefit shipowners as well as the nation, but, in the absence of facts, experience alone could support the opinions thus formed and used as arguments in favour of the Government policy. The inferiority, in many respects, of the masters of our merchant ships, compared with those of other nations, which competition, they said, would improve, as well as the vessels under their charge, was one of their strongest points.

Government insists on Total Repeal.

But Government had to meet many other arguments on which no experience existed; and, not the least of these was the question of manning the navy, embracing the all-important one of the maintenance of the British fleet.

Detailed  
views of  
Admiral  
Sir George  
Byam  
Martin.

Among other witnesses who came before the Lords' Committee, Admiral Sir George Byam Martin was a stout advocate for upholding the Navigation Laws. He contended that these laws gave encouragement to the British shipowner by exclusive advantages in the colonial and coasting trade, which he regarded as a compensation for the obligation of building his ships in some parts of the Queen's dominions, and of employing a certain number of apprentices. If manufacturers really felt that these laws in any degree cramped their commercial enterprise, they ought also, he thought, to be content to yield somewhat for the maintenance of a service to which they all owed their protection and safety. The Admiral held that the Navigation Laws gave protection to British seamen, by securing to them employment in a calling for which they qualified themselves by a long and severe apprenticeship. There were only, he said, four main objects presented to the shipowner to give him hope of a satisfactory competition with the cheap carriers of other countries :

1st. That by the abrogation of the Navigation Laws he would be left at liberty to build his ships in cheap foreign countries.

2ndly. That he would be allowed to take foreign seamen, without limitation of number.

3rdly. That he would no longer be compelled to take apprentices; and



4thly. As a further temptation to the shipowner to be reconciled to the change, his men would no longer be liable to impressment.

None, however, of these points could, in the opinion of Admiral Martin, be conceded without loss to the public service.

If the abrogation of the Navigation Laws left the shipowner at liberty to build his ships in foreign countries, and he availed himself of that licence, it would inevitably diminish the shipwright class in this kingdom; yet on this class, the admiral argued, the safety of England had greatly depended during the late and former wars, and this he thought would be even more the case in any future wars in which the country may be plunged.

“During the war which ended in 1815, we had,” remarked the admiral, “800 pennants flying, and even so many as 900 ships were in commission for a considerable time. Great exertions were necessary on the part of the shipwrights to keep up the repairs of such a fleet, and to build new ships to supply the decay and the casualties constantly going on. But numerous as our fleet was then, it was likely to be on a much larger scale hereafter; for, in addition to our usual fleets, there must, of necessity, be an immense number of steamers in a great measure as an addition, though not as a substitute for sailing ships.”<sup>1</sup>

The number of shipwrights in the King's yards throughout the war, he estimated, might be taken at an average of 3714 and 875 apprentices, making a total of 4589 working shipwrights, besides 550 in

<sup>1</sup> How completely this prediction has been falsified by the substitution of steam vessels for all the old sailing line-of-battle ships!

the colonial yards. Notwithstanding this great shipwright strength, and the efforts exacted from them, the Admiralty was obliged to seek every possible assistance from the private shipbuilders,<sup>1</sup> and to these persons Admiral Martin maintained protection was due, considering how much they had done for the country when we had enemies to deal with in every quarter.

I need not dwell upon all the other points of Admiral Martin's evidence; but that which relates to the merchant service and manning the navy must not be omitted.

If the Navigation Laws were done away, Admiral Martin believed, the shipowner who would go to foreign countries for cheap ships would, from the same motive, take foreign seamen, such as Danes, Swedes, Norwegians, or Dutchmen, who would be content with small wages and a cheap scale of dietary. In this way, a large number of British seamen would be deprived of the employment they now enjoyed owing mainly to the Navigation Laws; and, in such a case, the naval service must suffer in proportion, especially, when, in time of war, seamen are most urgently required. It had been said, and it was a "marvellous assertion," that the merchant service contributes so little towards the supply of the navy—that, so far as concerned this point, there need be

Importance of keeping up the merchant navy.

<sup>1</sup> The first ship of the line built by contract was in 1755, when Messrs. Wells built the *Elizabeth*, of 74 guns; and, since that time, private shipbuilders have contributed greatly to the public wants. They built and repaired (chiefly in the last war) 93 sail of line-of-battle ships, and 466 frigates and smaller vessels, making a total of 559 vessels of war. In the last war Napoleon I. had as building ports, Venice, Genoa, Toulon, Rochefort, L'Orient, Cherbourg, Antwerp, and, practically also, all the ports of Holland.

no hesitation in abandoning the Navigation Laws. An assertion more completely contradicted by all experience, Admiral Martin confidently stated, had never been uttered. The merchant service, he held, was everything to the navy, while the navy, he was convinced, could not exist without it. He was unable, adequately, to express his surprise at these loose assertions, for every person who remembered the muster of the navy immediately preceding the war in 1793, could not fail to know that the glorious victory of the 1st of June, 1794, under Lord Howe, was gained by the merchant seamen of the kingdom. We had not then, he said, 20,000 men, and these were scattered over the globe when the war broke out; it was, therefore, the merchant service that enabled us rapidly to man some sixty sail of the line, and double that number of frigates and smaller vessels. By promptly bringing together about 35,000 or 40,000 seamen of the mercantile marine, Admiral Gardner was able at once to proceed to the West Indies with seven sail of the line, nine frigates and sloops of war; Lord Hood to man twenty-two sail of the line, and a large number of frigates and sloops, with which he occupied Toulon and took Corsica; while, by its aid, other squadrons were sent to America and to the East Indies to protect our interests in those quarters. The command of seamen from the merchant service also enabled Lord Howe to occupy the Channel with twenty-seven sail of the line and numerous frigates, thereby affording security to our own homes, and the means of protecting our colonies and commerce by detached squadrons.

Argu-  
ments from  
his per-  
sonal ex-  
perience

as to its  
value as  
a nursery  
for  
seamen.

Working  
of the  
system of  
appren-  
ticeship,

Notwithstanding these proofs of naval energy on the first outburst of the late war, and of the important help derived from the merchant service, the number of men obtained was, after all, inadequate to the wants of the country. The merchant service, suddenly drained of so many thousands, could, afterwards, give only a comparatively small and occasional supply as ships arrived from foreign ports, or as apprentices grew out of their time. Now this continued, though insufficient succour to the navy, Admiral Martin thought, could never have been maintained throughout so long a war but for the provident provisions of the Navigation Laws in making it compulsory on shipowners to take a certain number of apprentices, and thus to keep up a constant replenishment of seafaring men.<sup>1</sup>

He expressed himself of quite a different opinion to those who were sanguine in believing the abrogation of the Navigation Laws would increase our shipping; and stoutly combated the notion that we could retain the same quantity of tonnage after we had entered on a system of rivalry with foreign countries in cheap carrying. But, assuming that we retained 4,000,000 tons<sup>2</sup> of shipping, it might be well

<sup>1</sup> One of the most remarkable incidents of the manning of a ship of war is that of Sir Edward Pellew and H.M.S. *Nymphe*. When war was declared by the French in February, 1793, it was unexpected; and the navy was on a peace establishment of only 16,000 sailors and marines. It was necessary at once to increase this number to 60,000. Pellew, finding it impossible to get seamen for his frigate, at once put eighty Cornish miners on board his ship, and a few months later fought and won the celebrated action with the *Cleopatra*—most of his crew never having seen a shot fired before. (See Osler's 'Life of Viscount Exmouth.')

<sup>2</sup> There belonged, in round numbers, to the United Kingdom and her colonies and possessions on the 1st January, 1875, 7,500,000 tons



to see how the comparison stood with respect to the supply of men derived from the 1,500,000 in 1793, and what might be expected from the present 4,000,000 tons. In 1793, and up to 1835, the Act of Queen Anne secured a replenishment of seafaring men by apprentices of more than double the number, when we had only 1,500,000, to what the Act of 1835 did in 1848 with 4,000,000. Consequently, in that respect, nothing was gained by the increased tonnage. By the Act of Queen Anne, vessels of 30 tons were obliged to take an apprentice; whereas under the Act of 1835 a vessel of 200 tons takes only one apprentice. Under the Act of Queen Anne, vessels of 400 tons took five apprentices; under the Act of 1835, only two. Formerly ships of 1400 tons were obliged to take fifteen apprentices; whereas, under the present Act, the largest ship built was only required to take five: so that the lesser amount of tonnage in 1793 gave a larger supply of fresh hands than the 4,000,000 tons.

The admiral did not fail to point out, in comparing the two periods, that the increase to 4,000,000 exhibited a noble proof of our commercial growth under the protection of the Navigation Laws, and seemed to warn us of what we hazarded in giving up 4,000,000 of shipping tonnage to be scrambled for by all the nations of the world.

A more important and alarming view of the subject and of impressment.

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of merchant vessels: of these about 2,000,000 tons were steam vessels; and as each of these will perform the work of four sailing vessels, it may be said that we now possess in our merchant service an equivalent to 13,500,000 registered tons of sailing shipping, so that in twenty-five years we have more than trebled Admiral Martin's highest estimate.

was the encouragement held out to the shipowner to believe that, among other changes contemplated, his men would be no longer subject to impressment. If that were to be the case, asked, pertinently, Admiral Martin, what was the use of increased numbers, the presumed result of increased tonnage, if the men were locked up, and, thus, were not at once available for the navy? <sup>1</sup>

<sup>1</sup> The question of impressment is too important to be passed over without any notice. Every well-constituted mind holds the principle of impressment in abhorrence; but every reflecting statesman is aware of the immense importance of such a power, especially as it is never brought into use but when the country is in actual peril. Admiral Martin, in his evidence, furnished his experience of what impressment had practically done for us in times past, he having been in three armaments, 1787, 1790, and 1791, on all of which occasions the equipment of the fleet was like magic (\*), and the effect of the prompt display of the gigantic naval strength of this country in each case saved the expenditure of thousands of lives and millions of money. If these objects be worthy of national regard, we must submit to the mortification of sanctioning even so great a trespass on the liberty of the subject. The event of 1790, Admiral Martin thought, deserves especial mention as showing distinctly what the nation gained by impressment, and the results of a great naval demonstration. A quarrel had at that time arisen, though, perhaps, from an insignificant cause, with the Court of Spain; it became, however, of the greatest importance, owing to the threatened alliance of France, then under the control of the National Assembly, with the Court of the Escorial. On the 2nd of May, the King in Council authorized the issue of warrants of impressment of seafaring men, and, in the middle of June, Admiral Barrington put to sea with a large division of the fleet. It was insisted that this could never have been accomplished except by the power of impressment; and Admiral Martin, doubtless, expressed the general opinion of his profession in stating as his sincere belief that "if we lost the power of impressment we should lose the country." Yet, while urging the necessity of preserving the power of impressment, he also maintained that nothing should be left undone which could tend to render the practice as infrequent as possible, and that every exertion should be made to render the service itself attractive to the seamen.

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(\*) In 1787, we equippe da fleet to support the Stadtholder. In 1790, we had a misunderstanding with Spain about Nootka Sound; and in 1791, we raised a naval armament to check the ambition of Russia.

It is unnecessary to repeat Admiral Martin's further remarks concerning apprentices. I may, however, state that he considered the complaints against them but a "plausible grievance" of a few shipowners. Apprentices, he held, were not much expense, for though they ate as much as men, they soon became active and useful in the ship, performing a man's duty without wages. They were, besides, the cheapest people to shipowners, who in war time were glad enough to have their full number of them, because, as apprentices, they were in fact so many hands protected from impressment. The number of fresh hands required to keep up the stock of seamen was very considerable; for the hard life of sailors tells early on human strength, and the perils of their pursuit contributes much to the waste of life. The Admiral, therefore, held that law which compelled shipowners to take apprentices was a most valuable part of the Navigation Laws, and ought not on any account to be given up: and that a constant influx of young blood into the sea service was essential to the interests of a naval country, and any diminution of the present number of apprentices in proportion to the existing tonnage would, in his opinion, be detrimental to the navy, and hazardous to our national security.

With regard to the quality of the supply from the commercial to the military navy of this country, and to the comparative value of those who had been brought up in the merchant service, or of those who entered the navy for the first time, Admiral Martin unhesitatingly said, that the real practical seaman was the north country sailor; but that the coasting



sailor and the South Sea-fishery sailor were now very scarce, if we had not lost the latter altogether.

Evidence  
of Admiral  
Berkeley,

Captain Maurice Frederick Fitzhardinge Berkeley, R.N., who also gave evidence, entered into various explanations concerning the effect of bounties, and of the impressment of seamen, and approved the practice by which seamen in foreign parts could enter her Majesty's ships without being deemed deserters: he admitted, however, that if he were a captain in a merchant vessel "he might probably think it a hard case." He took care to remark that "the fault was not always with the men;" and, at the same time, gave a different testimony to that of Sir James Stirling about the proportion of merchant seamen who served on board men-of-war. In his opinion, two-fifths of the navy had been brought up in the merchant service; while a good many who had commenced life in it as boys, had subsequently gone into the merchant service. With respect to the registry system, he remarked that in the Jews' shops at Shadwell, and in similar places at Bristol, sailors could purchase as many register-tickets as they wanted, and, for half the amount of the fine, that would be asked of them if they went to the Custom House.<sup>1</sup>

and of Mr.  
R. B.  
Minturn.

Mr. Robert B. Minturn, an eminent merchant and shipowner of New York, was the last witness examined before the Committee of the Lords. He was owner of portions of many ships, and part owner in

<sup>1</sup> By the law then in force every seaman, before he could be employed on board a merchant ship, was required to produce a certificate from the officer of the Registrar of Seamen, called a register-ticket, showing that he was duly qualified for his duties, either as able or ordinary seaman; but the system was found to be impracticable, and was so grossly abused that it has since been abolished.



the lines of packets between New York and London, and between New York and Liverpool. He traded also with India and China, and was also owner of whalers which went to the South Seas. Like most others of the high-class merchants trading to foreign countries, he was neither concerned in the inland trade of the United States nor the coasting trade. Having furnished evidence as to the progress of American tonnage, he stated that the New York packets, which were universally acknowledged to be the best description of ships built in the United States, having all of them a portion of live oak in them, cost, exclusively of their cabins, about \$70 per ton, equal to about 14*l.* 10*s.* per ton, sterling. In this estimate it must be remarked that the American tonnage differs from our own.<sup>1</sup>

The American classification of ships also differs from that at Lloyd's. There the rating depends on the age, the material, its quality, together with the quantity of the fastenings, whether copper or iron, and the mode of workmanship. The oak used in New York comes principally from Virginia, the

Details  
about  
American  
ships.

<sup>1</sup> In the United States the old English measurement is still adhered to, and the poops of ships are not measured, which accounts for much of the difference observable in the measurement of British and American ships. For example, the *Henry Clay*, of 1207 tons American measurement, where the poop was not included, measured 1467 tons by the new English mode, on which light, dock, and other dues are charged. The ship *Queen of the West*, 1106 tons American, measured for light dues in Liverpool, 1270 tons English. The effect of this would be that the calculation of \$70 per ton would be diminished in a corresponding ratio if taken in English tonnage, and with the poops included. The estimate of \$70 per ton, that is, American measurement, applies to the cost of a ship with her spars and sails, rigging, and everything complete ready to receive a cargo, but without her sea stores.

live oak entirely from Florida; and the sheathing-copper and iron are those supplied from England, iron from other countries then paid a duty of 30 per cent.: sheathing-copper was free of duty, but cake or pig-copper, from which bolts are manufactured in America, paid 5 per cent. Sails were, till recently, brought from England, Holland, and Russia; but hemp-canvas was then being made in America. Cotton sail-cloth had for a long time been used to a considerable extent.

Shipwrights' wages in the United States were then \$2½ a day, about 10s. 6d. sterling. In New York, these artificers work only ten hours per day on new work, and nine hours on old work; but repairs of ships were more expensive in England than in the United States. In the equipment, as we have seen, of American ships, great attention was paid to lessening manual labour by capstans, winches, and other contrivances; and as they were much more lightly rigged in proportion to their tonnage, they were sailed with fewer men; the average number being about two and a half sailors to every 100 tons in a packet ship ranging from 900 to 1200 tons; but in a common American freighting ship, where despatch was of less importance, the proportion is even smaller. For instance, the *Henry Clay*, already mentioned, 1207 tons, American, and 1467 tons, English, had thirty seamen, two boys, and a carpenter, besides the captain, four mates, cook, and steward: 40 all told.

With regard to the payment of the American captains, it is not the practice to pay them by time, but by some advantage in the voyage. In foreign freighting voyages the captains depend chiefly on the

primage, which is 5 per cent. upon the amount of the freight. That is usually their chief source of emolument; but they, generally, receive also \$30 a month wages. This, of course, gives them an interest in prosecuting the voyage successfully, and in stimulating their men to exertion; but, with great good taste, Mr. Minturn excused himself from making a comparison between American and other ships; he strenuously, however, denied that any national feeling influenced the merchants in the least degree with respect to the freighting their goods from England in American bottoms.

With regard to the effect on America of the reciprocity treaties to which I have already alluded, and which came into operation shortly prior to 1830, it would appear that though the Government of the United States proposed to all foreign nations that, if they would open their ports to American shipping, they might enjoy all the benefits of their foreign trade, the shipowners were distrustful of the operation of this Free-trade system, as it was chiefly embraced by the States of the north of Europe, which had no commerce to offer in return. Hence efforts were continually made to rescind these treaties; but the experience of their operation has been that the American commerce has increased in a much greater ratio since that period than it had done before. The reciprocity treaties have not, indeed, promoted the growth of American tonnage; but, on the other hand, they have not retarded it; and if the shipowners in the United States do not avow their error, at all events their opposition has now ceased. Mr. Minturn was far from acknowledging that the Ame-

Reciprocity treaties

so far as they affect Americans.

ricans had gained by these treaties; indeed, he gave a positive opinion that they had nothing to do with the increase of United States shipping. No new markets had been opened, but commerce with all the world had increased, and probably nowhere so much as with England. The chief extension of the commerce of the United States with South America was with the Brazils, which was enhanced owing to the consumption of coffee, the duty on which had been taken off, the result being that the American consumption had doubled within ten years.

The temperance system adopted on board the American vessels had resulted in the greatest possible advantage, both in the efficiency and discipline of the crews; and, with these, in the increased safety of the ship and consequent diminution in the rates of insurance. Indeed, Mr. Minturn stated that American underwriters attached so much importance to it, that at the commencement of this reform they encouraged it by offering to return 10 per cent. on the premium, on all vessels that performed a voyage without the use of ardent spirits.

Such are a few of the leading points of evidence furnished to the Lords' Committee, who adjourned *sine die* on the 6th July, 1848.



## CHAPTER VIII.

Motion of Mr. Herries, 1848—Protectionist principles stated—Extent of shipping trade—National defences endangered—Mr Labouchere's reply—Alderman Thompson—Mr. Gladstone's views—Mr. Hudson—Lord George Bentinck—Mr. Hume—Mr. Cobden—Mr. Disraeli—Sir Robert Peel—The resolution carried by 117, but abandoned for a time—Temper of the Shipowners—Efforts of Ministers to obtain reciprocity by a circular from the Foreign Office—Reply thereto of America—Mr. Buchanan's letter—Reply of other Powers—Progress of Free-trade views—Parliament of 1849—Death of Lord George Bentinck, September 21, 1848—Mr. Labouchere's new resolution, February 14, 1849—Proposed change in coasting trade—Mr. Bancroft recalcitrates—Hence, withdrawal of the coasting clauses—The debate—Alderman Thompson, &c.—Mr. Ricardo—Meeting of Shipowners' Society—Their report—The manning-clause grievance—Policy proposed—Agitation in the country.

ALTHOUGH the shipowners appear to have placed much confidence in the House of Lords, they saw that unless they could convince the Commons that the repeal of the Navigation Laws would be prejudicial to the interests of England, they would have no hope of maintaining the *status quo*: and, further, that no modification would satisfy the demands of the Free-traders, who, strong in their principles, consequently repudiated all compromise with Protectionists.

One of the most earnest leaders of the latter class

had just re-entered the House of Commons after a long absence from it. Mr. Herries had been Chancellor of the Exchequer so long before as 1828. He was an able and honest Conservative; sound in his principles and earnest in everything he undertook. To him, therefore, the Protectionist shipowners in their hour of trial appealed for aid; nor did they appeal in vain. Mr. Herries was heart and soul with them. He saw nothing but ruin and desolation in the abolition of these ancient laws. They had, in his judgment, been tampered with and weakened by Huskisson, and now they were about to be destroyed by such men as Cobden, Bright, Ricardo, and Milner Gibson, backed, alas! "by his old friend and colleague, Sir Robert Peel." No wonder, therefore, that he buckled on his armour with vigour for the fight; and, soon after the debate on the resolution of the Government, he submitted, though on a separate occasion, the following counter-resolution:—"That it is essential to the national interests of the country to maintain the fundamental principles of the existing Navigation Laws, subject to such modifications as may be best calculated to obviate any proved inconvenience to the commerce of the United Kingdom and its dependencies without danger to our national strength."

Motion of  
Mr. Her-  
ries, 1848.

This resolution had been framed with great care. It had been the subject of unusual consideration by the Shipowners' Society of London, then the oracle of all the other Protectionist societies in England, whose object was the maintenance of the Navigation Laws; and, in their opinion, the maritime greatness of England depended upon its success. If defeated, "Rule Britannia" would for ever be expunged from

our national songs; the glories of Duncan and Nelson would "wither like the aspen-leaf, and fade like the Tyrian dye;" and, as none but "Yankees, Swedes, Danes, and Norwegian sailors would be found in our ports, who, they demanded, would there be to fight our battles and defend our sea-girt shores?" These were, then, no mere words of course; they were the honest expressions of the thoughts of earnest men, who, however mistaken in their views, or perhaps in some instances blinded by what they conceived to be self-interest, firmly believed that the power and greatness of their native land depended on the preservation of the Navigation Laws.

The counter-declaration of Mr. Herries was therefore introduced with the sole object of getting rid of the Ministerial measure, failing that, of modifying it in such a manner as not to abrogate the principle of these laws. Hence he embodied in his speech all the leading arguments of the advocates of a restrictive policy. Thus, after alluding to the proceedings of the committee of the previous year, Mr. Herries found fault with Government for having, without further inquiry, announced in the Speech from the Throne their evident intentions, however vaguely worded, of making an entire change in the maritime policy of Great Britain. Six months had elapsed and Ministers had proposed no measure; while the House of Lords, acting more wisely, had instituted the further inquiry then going on, a portion of the evidence taken having been already laid before the House of Commons. If, argued Mr. Herries, the

Lords should, from the evidence taken before them, resolve on the maintenance of those laws and on the rejection of the Government measure, such a course might occasion embarrassment. He complained that while the British shipowner would be exposed to foreign competition by the removal of all protection, the heavy burden of being required to man his ship agreeably with the rules of the Navigation Laws was still retained. Criticising in succession the various pleas in behalf of Prussia, America, and our West Indian Colonies, for the repeal or modification of the present code, he remarked that Prussia had nothing to give us in return for the concessions she sought, and that her warnings and threats of withdrawing such advantages as she had already conceded were of trivial moment. America, in the most friendly way, no doubt, requested to participate in our foreign and colonial trade, in return for reciprocal concessions to be made to us : but America had no colonies ; and it was wholly out of her power to give us any equivalent for the advantages she would be sure to acquire by the abolition of our Navigation Laws. "Why did not 'free' America," he exclaimed, "show us an example, and abolish her laws, which were quite as stringent as ours?"

As to the West Indies, Mr. Herries gave many details in proof of his assertion that the petition against the Navigation Laws from the Jamaica House of Assembly but imperfectly represented the real sentiments of either that body or of the island at large. Had its promoters been aware that, by the abrogation of these laws, freights from the foreign



islands (whence sugar was brought to England, as well as from the British Islands) would be materially lowered, they never would have assented to it. To facilitate importations from Cuba by an alteration of the Navigation Laws would only aggravate the disadvantages from which they were at present suffering. Relying on the authority of Mr. Huskisson, he quoted him for a definition of that Protective principle he was willing to stand by; a principle which would reserve our colonial, coasting, and fishing trade wholly to ourselves, while protecting our foreign trade, so far as was consistent with our relations and engagements with foreign countries. If the House were agreed on the general principle of protecting our marine, Mr. Herries argued that it might, in committee, remove those anomalies which in some quarters were so much the object of censure and ridicule.

Protectionist principles stated.

He reminded the House that the tonnage of the vessels belonging to this kingdom and her colonies then amounted to 3,900,000 tons; the number of sailors employed in our mercantile marine, to 230,000; and the capital embarked in shipping, to little less than 40,000,000*l.*; while the trades immediately connected therewith, or subservient to the shipping interest, employed a capital of from 16,000,000*l.* to 17,000,000*l.* In this way there was between 50,000,000*l.* and 60,000,000*l.* of property which would be immediately affected by the proposed change. In this branch of national industry about 50,000 artisans, whose wages amounted to 5,000,000*l.* a-year, were employed; while the cost of victualling the ships he estimated at 9,000,000*l.*,

Extent of the shipping trade.

and the freights the mercantile marine earned per annum at nearly 30,000,000<sup>1</sup>.

National  
defences  
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gered.

These were enormous interests, he exclaimed, and ought not to be dealt with lightly; but when, in addition to all this, it was considered that the existence of these interests lay at the foundation of our national defences, and, that without these defences, we could not maintain our present position as a nation, surely there were ample reasons, if not for resisting all change, at least for adopting such changes as appeared necessary, not in the reckless way now proposed, by a sweeping resolution for the entire abolition of the Navigation Laws, but by improving, altering, and modifying them in such a manner as would be consistent with the great interest they were framed to protect. He therefore prayed the House not to assent to experimental changes, which might impair the strength of the right arm this nation had hitherto put forth to awe and control the world,

<sup>1</sup> All these figures may now (1875) be at least doubled, except the number of men, as the improvements in mechanical contrivances have materially reduced manual labour since the repeal of the Navigation Laws. In the case of steam ships to nearly one-half. See following table:—

Years.	Sailing Ships.			Steam Vessels.		
	Tons.	Men.	Proportion of Men to 100 Tons.	Tons.	Men.	Proportion of Men to 100 Tons.
1852	3,215,665	146,286	4·55	165,219	13,277	8·04
1854	3,516,456	146,522	4·17	212,637	15,894	7·47
1869	4,677,275	152,186	3·25	880,028	43,304	4·92
1870	4,519,141	147,207	3·25	1,039,969	48,755	4·69
1871	4,343,558	141,035	3·25	1,290,003	58,703	4·55
1872	4,245,904	137,101	3·23	1,515,704	66,619	4·40
1873	4,067,144	130,877	3·22	1,680,953	71,362	4·24
1874	4,037,564	128,733	3·19	1,827,024	74,873	4·10

and convert it into a palsied limb, with which the meanest of our rivals might successfully grapple.

Mr. Labouchere followed in an elaborate speech, in general support of the Ministerial measure, but at the same time admitting that the real point for the decision of the House was fairly raised by Mr. Herries' resolution. "Would they, however," he asked, "be content with patchwork legislation? Was it in fact right to maintain the principle of the Navigation Laws? or were they prepared to consider the propriety of departing from those principles, so as to conciliate the wants of commerce and the exigencies of the case before them, with a view of adapting them to the spirit of the times, and of meeting the just demands of other countries, the wishes of our own colonies, and the interests of our expanding trade?" Of course, if Mr. Herries carried his resolution, it would be fatal to the measure of the Government.

Mr. Labouchere's reply.

Alderman Thompson, an opulent merchant extensively engaged in the iron trade, supported the Protectionist view of the question. He ridiculed the plan submitted by Sir James Stirling for manning the navy as "Utopian," proposing as this plan did to train up a race of seamen exclusively for the navy, and, therefore irrespectively of the commercial marine. "Would Mr. Hume," he asked, directing his remarks towards that gentleman, "sanction a vote for 120,000 men during peace?" He warned the House against the effect on our colonial shipping trade should it be thus thrown open to the Americans, whose ships, he said, already supplied our West Indian settlements with the whole of the lumber required by them,

Alderman Thompson.

though under the disadvantage of returning from their ports in ballast. Various speakers on both sides followed during several adjourned debates : Dr. Bowring, Mr. Moffatt, Mr. Mitchell, Mr. Wilson, and Mr. Milner Gibson, on the side of repeal ; Mr. H. J. Baillie, Mr. Scott, Mr. Robinson, the Marquess of Granby, and Mr. Henley on that of Protection.

Mr. Gladstone's views.

On the 2nd June, Mr. Gladstone, then sitting with Sir Robert Peel on the cross-benches, resumed the debate in a most exhaustive speech. His views were not in exact accordance with either party in the debate, but he took the affirmative side on the broad question of repeal as a matter of reasonable expediency, although, on the specific scheme of Government he gave only a qualified opinion, as he would have preferred a more gradual measure. He wished Government had adhered to the uniform course of precedents, making large concessions conditional upon reciprocal action by other Powers. He objected to the discretionary power of the Queen in Council, with a view of extorting reciprocity, a discretion at once too large and too delicate : if it were really intended that this power should be a living and practical one, to be put in force in case of need, he thought it would be wiser and safer to undo, bit by bit, the system we have got, than to sweep it away in order to reconstruct it piecemeal ; and then, perhaps shortly afterwards, to pull it down again. With that keen foresight for which he has ever been distinguished, he particularly censured that part of the plan which reserved the coasting trade. He contended that the American coasting trade was of the highest value, and equivalent to a colonial trade. " Let us give



her our coasting trade, and we are entitled, not merely in policy but in justice, to ask her for her coasting trade. But let us give her the colonial trade without the coasting trade, and we give her the valuable boon, while we withhold the worthless; but we cannot say to her, 'Give us all, for we have given you all.'" Mr. Gladstone relied on the sincerity of the American diplomatist, and therefore, urged this point as one of the highest importance, Mr. Bancroft's offer appearing to him a forcible argument for including the coasting trade in any future arrangement. In conclusion, he expressed the hope that when England and America had concurred in setting an example to the world of free navigation, other nations would be induced to imitate it by a moral force it would be difficult to resist; and that we should live to see the ocean, that great highway of nations, as free as the ships that traverse its bosom, or the winds that blow over it.

Though Mr. Gladstone would have preferred securing such reciprocal privileges as other nations had power to confer before throwing open our ports to their ships, his speech was in effect a splendid declamation in favour of Free-trade principles, as applied to navigation; and his argument pointed to the conclusion that, even if other nations were not prepared for reciprocity, it would still be for the interests of Great Britain to repeal her restrictive laws.

Mr. Hudson, as the representative of Sunderland, Mr. Hudson. apart from his own Conservative principles, made an earnest appeal to the House against Free-trade in navigation, and hoped it would not be led away by any fanciful notions. Captain Berkeley, on the other

hand, expressed an opinion rather favourable to the Government measure, though, should it become law, he feared, with most of his brother naval officers, that there would be a difficulty in manning the Royal Navy. But Mr. J. Clay, though an extreme Free-trader, refused to support the Government till all restrictions on shipowners, who had great influence at Hull, which he so long represented, were removed. Mr. Newdegate opposed the Government scheme in an elaborate speech; and the then member for South Shields, though sitting opposite, followed in the same line with a brief but argumentative address. Lord Ingestrie and Mr. R. Hildyard likewise denounced the measure; while Lord John Hay predicted eventual success by its adoption. A division was then taken, after three nights' debate (May 29th, June 1st and 2nd), on the question that the debate be now adjourned, which was carried by a majority of 163—the numbers being 236 to 73.

On the 8th of June the debate was resumed by Sir J. Walsh, who had carried the adjournment, when Mr. Miles and Sir Charles Burrell spoke on the same side against repeal. The most prominent speakers on the Free-trade side were Mr. Cardwell, Sir George Clerk, and Sir Charles Wood; Mr. Cardwell thinking the time had arrived for a judicious relaxation of the Navigation Laws, and Sir Charles Wood noticing the very general concurrence in favour of some change. The debate, however, did not close, though the subject seemed exhausted, but was adjourned for the fourth time, and the last night called forth some of the most powerful speeches which had yet been delivered on the question.

Lord George Bentinck resumed the debate on the 9th of June, and defended the shipmasters against the aspersions cast upon them by Mr. James Wilson, who had described them as unable to obtain freights from Rio Janeiro, on account of the bad character they bore for carelessness in the carriage or delivery of goods entrusted to their charge, and concluded one of the best speeches he ever delivered by pointing out the danger of repeal, as the seamen could not in future be pressed into our service when the day of difficulty and danger might arise. "Let us cherish our brave seamen," exclaimed the noble Lord; "show them that, alike in peace and in war, we will provide for them; that we scorn to weigh in the balance with the comforts, the prosperity, and happiness of our gallant defenders, the miserable saving of 2*s.* 6*d.* per ton upon the freight of our shipping, and the eighteenth part of a farthing per pound on our sugar and coffee, and then we may again, as heretofore, boldly challenge and safely defy all the nations of the earth."

Mr. Hume supported the Ministerial measure, and pressed upon the Government the necessity of removing every burden on British ships to which foreigners were not liable. Admiral Bowles spoke on the opposite side; and Mr. Cobden, following, asked, why should not the sailor in his ship, as well as the workman in his factory, or the labourer on his farm, be able to compete with foreigners? He then appealed to the evidence, showing, as this did, that we could build better ships than foreign nations, and at as cheap a rate, quality considered; sail them as well; take greater care of their cargoes;

Lord  
George  
Bentinck.

Mr. Hume.

Mr. Cob-  
den.

and secure greater punctuality and despatch ; adding, that our sailors had the greatest natural aptitude for the sea of any in the world. The only drawbacks, he continued, were of a moral kind, insubordination and drunkenness ; but these would yield to better culture. We heard a great outcry about the burdens of the landowner, such as county-rates, highway-rates, poor-rates, and church-rates ; but the shipowner paid none of these, being exempted from any such burdens. Therefore, on the score of taxation, the shipowner and the sailor were infinitely better able to compete with the foreigner than any other class of the community. Mr. Cobden then reviewed the position of the shipbuilder, the shipowner, and the sailor, and contended that they had no need to fear competition with the foreigner. He regretted that the power of retaliation should be given to the Queen in Council, not that he believed it would ever be acted upon, and, after repudiating the boastful language so frequently held respecting England's naval supremacy, he asked, " was this a time to be always singing ' Rule Britannia ' ? " concluding his remarks by stating, with great wisdom, that constant assertion of maritime supremacy was calculated to provoke kindred passions in other nations ; whereas, if Great Britain enunciated the doctrines of peace, she would invoke similar sentiments from the rest of the world.

Mr. Disraeli.

Mr. Disraeli, at that time exhibiting no mean promise of future distinction, delivered an eloquent speech, illustrated with that brilliant rhetoric, sarcastic humour and point, for which he has been ever famous in debate. There was nothing, he said, more fatal to national interests than the recklessness of



ignorance. He would not, indeed, sing "Rule Britannia," for fear of distressing Mr. Cobden, but he did not think the House would *encore* "Yankee Doodle." Mr. Labouchere had described this as the age of "commerce, peace, and internal improvement;" on the contrary, it was, in his opinion, the age of no trade, of intended war, and of communists tearing up railways. Naples is in a state of siege, he exclaimed; Paris in insurrection; Vienna in revolt; Berlin barricaded; four pitched battles have been fought in Europe in eight weeks, and the Baltic and the Adriatic are alike blockaded, so that Mr. Cobden himself could scarcely be so devout a believer as he pretended in the quiet of nations without arms. "At least," concluded Mr. Disraeli, "I will not incur the responsibility by my vote of endangering that empire gained by so much valour, and guarded by so much vigilance—that empire broader than both the Americas, and richer than the farthest Ind, which was foreshadowed in its infancy by the genius of a Blake, and consecrated in its culminating glory by the blood of a Nelson—the empire of the seas."

At this stage of the debate Sir Robert Peel, who had been silently waiting to express his opinions, rose to address the House. On rising he had to encounter an unusual demonstration of hostility from the Protectionist benches; and for the first few sentences these unseemly interruptions continued; but he soon imposed silence upon his opponents by turning round disdainfully and saying, "this is not a matter to be disposed of by clamour, but by deliberate reason. It is possible the opinions I avow may be erroneous, but, depend on it, you show no con-

Sir Robert  
Peel.

fidence in the strength of your own if you have no better answer to give me than boisterous clamour." This appeal to be answered by arguments alone secured the ex-minister a hearing. His speech, however, was not one of his happiest efforts. He went over the same ground as preceding speakers, referring to many parts of the evidence, produced mainly to show that England need not fear competition even with the Americans; he warned the House that the claims of Canada could not be long resisted, remarking that it will benefit Parliament to examine into the state of the Navigation Laws, with a view to an extensive alteration of them. He, however, avoided giving a direct opinion on many essential points; and, with respect to the policy of opening the coasting trade or continuing the restriction, he reserved his views for the present. Nor did he offer any opinion as to the policy of requiring for every "British ship" that three-fourths of the crew should be British seamen. He also reserved his judgment as to the mode by which Government proposed to make the alterations: his first impression being to proceed by reciprocity treaties, and to make concessions to such Powers as were willing to make equivalent concessions to us. On the other hand, it did not escape him that these reciprocity treaties were themselves sources of constant trouble. The "favoured-nation clause," he added, seems simple enough, but when you come to act on it, practically, these treaties involve us in great difficulties. There was, he said, an admitted difference between the case of differential duties on navigation and on the imports of goods under a tariff. And he felt that it

was most difficult to determine whether the concessions any given country is willing to make, or has the power to make, are equivalent to those made by some other, the commercial demands and commercial produce of which may be of a totally different nature. Again, with regard to reciprocity treaties, great difficulty he thought might ensue in the event of war; and the power Government proposed to retain of re-imposing restrictive duties would be found very difficult to exercise. It would in his judgment invert the relations between the Crown and the Parliament. The House of Commons would be favourable, and relax, the Crown would restrain. The House of Commons would give universal privileges, and in the course of four or five years the invidious duty would be thrown upon the Crown of withdrawing privileges the House of Commons had granted. Sir Robert, to avoid this ungracious duty, threw out the hint that the Act should be made limited in duration, so as to come again before Parliament. Suppose, he suggested, the trade were to be opened for five years; at the end of that period the privileges given would necessarily expire, and every country would have notice that they had the means of averting the re-establishment of restrictions by entering into some further arrangement with this country. He preferred to see the object effected in that way rather than by new reciprocity treaties; in short, that America, as well as other nations, should do what she had proposed by legislation rather than by treaty.

There was some renewal of hostile interruption at the conclusion of Sir Robert's speech; but it seemed

clear that he felt by no means disposed to run at once a race with the Whigs in a Free-trade policy as regarded navigation; at least, it was evident from his speech that his mind was not then made up on many essential points, and, further, that he had doubts as to the wisdom or expediency of immediate and unconditional repeal.

This important and remarkable debate was closed by a short speech from Lord John Russell, who apparently did not then take that interest in the question which might have been expected from his position as Prime Minister, and considering the views he had long entertained on all the great questions of progress. The House then went to a division on Mr. Herries' amendment, or rather on the previous question, when there appeared, Ayes 294, Noes 177, being a majority of 117 in favour of going into committee upon the Navigation Laws.

The resolution carried by 117,

By this decision the ground was cleared for the Ministerial measure; but as the above result was not arrived at until the 9th June, it was manifestly hopeless to expect that any Bill could be carried through both Houses of Parliament during that session; the more so as the Committee of the House of Lords was still sitting. Hence many who were anxious for a settlement, seeing the great majority by which the resolution was carried, censured Government for having delayed the measure until so late a period of the session. During the ensuing month, however, the subject was avoided on both sides; the Lords' Committee adjourned *sine die*, with no other result than the printing of the evidence; and on the 10th August, when Mr. Labouchere laid his resolution in

but abandoned for a time.



form upon the table, he announced the intention of Ministers to abandon the measure for the present session, hoping to re-introduce the subject at an early period the following year. In fact, a tacit understanding had been come to by all parties that the struggle should be deferred, and, in this spirit, Mr. Labouchere carefully avoided any remark that might lead to discussion. He, however, announced his intention of bringing in a Bill *pro formâ*, as preferable to making any further official statement. The original resolution was then laid on the table unopposed, although Mr. Gladstone criticised its form, and Mr. Robinson denied that the House had affirmed the principle of the Government measure; they had, he said, only negatived the counter-resolution proposed by Mr. Herries. So jealous, indeed, were the Protectionists, that they would not allow the resolution to be laid upon the table till the Minister had given his assurance that no evasion should be practised, and that the Bill should be exactly in conformity with Mr. Labouchere's resolution. The original Bill bears date 16th August, 1848, and was prepared and brought in by Mr. Bernal, Mr. Labouchere, and Lord John Russell. It was entitled "A Bill to amend the laws in force for the Encouragement of British Shipping and Navigation."<sup>1</sup> Its provisions were strictly in accordance with Mr. Labouchere's statement and resolution, and reserved the coasting and colonial coasting trade, with power of retaliation against foreigners who might decline to reciprocate.

Thus ended the first great Parliamentary struggle

Temper of  
Ship-  
owners.

The original Bill will be found in vol. iv., Session, 1847-8, p. 495.

of 1848. The shipowners had so far succeeded that they had staved off, for a while, the impending danger ; but the great majority in the Commons declaring it expedient to revise the existing laws, left no doubt on any reasonable mind that a sweeping change would be effected in the ensuing session.

It will have been noticed that the main question in any proposed alteration of the Navigation Laws was, whether foreign countries, and especially the United States, would respond to our liberal policy, and, in a spirit of fairness, make such alterations in their navigation laws, tonnage dues, and tariff, as would promote increased commercial intercourse on the footing of an honourable competition. Of course the Protectionists did not assent to all this ; but the temper of the House of Commons plainly indicated that a great relaxation of restriction was inevitable, the only real doubt being as to the best mode of securing reciprocity. The Ministers of the Crown saw clearly that the shipowners were alarmed at the vast change threatened, while the periodical press, during the autumn of 1848, teemed with the most alarming statements of impending ruin to all classes connected with ships and navigation. The Ship-owners' Society gave extensive circulation to a variety of fugitive publications, all advocating the defence of the national interests and condemning indiscriminate repeal. On the other hand, there were many whose authors were strongly in favour of reciprocity ;<sup>1</sup> the

<sup>1</sup> It was on this occasion that I first appeared before the public as a politician. Following in the wake, but a long way astern, of Sir Robert Peel and Mr. Gladstone, I addressed a number of letters to Lord John Russell, which appeared in the 'Morning Herald,' and were afterwards republished in a pamphlet. They had a very large circulation, and

number in favour of total and unconditional repeal being comparatively few. But as "Repeal," or "No Repeal," was the popular cry, it became more and more manifest that unless some pledge were given that foreign nations would reciprocate our concessions, it would be difficult, with all the influence of the Free-trade party, to carry the Bill through Parliament, and especially through the Upper House.

It became, therefore, of the utmost importance to extract from Foreign Powers some intimation of their intentions. Hence Lord Palmerston, in his own name, addressed a circular from the Foreign Office, dated 22nd December, 1848, to her Majesty's diplomatic agents in various countries, requesting information on those points.

Efforts of ministers to obtain reciprocity by a circular from the Foreign Office.

In this circular, Lord Palmerston informed his agents that the measure for modifying the Navigation Laws would be again submitted to Parliament on its re-assembling; and, as the principle of some modification had been practically accepted, there

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caused considerable excitement among shipowners at the time. They were written in a homely style, commencing, "I am a plain man of business, daily to be found at my office in one of the City lanes, in the midst of my clerks, in the centre of a large dingy room. Business is my politics, not politics my business. If I have a leaning it is towards Free-trade principles," and so forth. But I soon learned that my "principles," as I laid them down, were, however plausible, fundamentally and radically wrong. Sound enough they no doubt were, *if all nations had been prepared to adopt them*; and if they could have been applied to the world at large, no system could have been more perfect. But, unfortunately, Foreign States were not prepared to adopt Free-trade; and if we adopted retaliation against those which did not, we reverted to Protection in its most pernicious form. Consequently we pursued the policy most likely to suit our own interests, and very wisely did not attempt to enforce it on other nations. Therein Government was right and I was wrong.

was no doubt that many extensive measures would receive the sanction of Parliament. These diplomatic agents were furnished with a statement of the existing Navigation Laws, and of the Registry Acts, together with a notice of the changes proposed; these being the sweeping away all existing restrictions, with the exception of those directly relating to the coasting trade of Great Britain and of the British possessions abroad, all other trades being thus opened to vessels of all nations. The Bill had, in fact, left to all foreign British possessions power either to open their own coasting trade, if they should think fit, or to regulate that trade with the consent of the Queen in Council. It also gave them power to deal in like manner with the trade between one colony and another.

It was likewise explained that ample powers were reserved by the Crown for the imposition of differential duties, prohibitions, and restrictions, on ships of such countries as should still subject British ships to various duties, restrictions, or prohibitions. It was further intended that the Bill should not come into operation for some months after the day on which it was passed, in order that Government might have time to ascertain the dispositions of Foreign Powers, and be able to frame proper orders for such differential duties as might be required whenever the intended relaxations should take effect towards ships of such nations as were willing to adopt the principle of reciprocity.

Finally, it was pointed out that, on the one hand, the definition of a "British ship" was no longer to signify one of British build; but only that she should



be owned by a British subject, and be navigated by a crew whereof three-fourths were British subjects; the definition foreign ship being purposely omitted, in order that any ship acknowledged by the law of a particular country to be a ship of such country should be also recognised as a ship of that country by British law.

With this view, Lord Palmerston desired the diplomatic agents to inform him what restrictions were actually in force against British vessels at such countries where they were resident, what voyages they might engage in (with the goods they might carry), and what differential duties or charges, direct or indirect, they were liable to, from which the national vessels were exempt, and, above all, whether any further restrictions or differential duties were then contemplated.

In this circular Lord Palmerston disclosed the intended policy of the British Government, in that, while not attempting to make the alteration in its law strictly dependent on the legislation of other countries, it was yet prepared to consider the general policy of each State. His agents were, therefore, instructed to ascertain whether the Governments to which they were accredited would accept advances on the part of Great Britain, with the object of placing their ships on a footing of equality; the only reservation being the coasting trade; or whether they would require any particular privileges or exemptions for their national vessels, thereby rendering "it impossible for this country to concede to their shipping the whole of the advantages which would, under the contemplated measure, attach to the ship-

ping of such States as may place British and national vessels on a footing of more perfect equality."

Practically, Lord Palmerston offered, on the part of the British Government, to remove nearly all the restrictions of the British Navigation Law, whenever such a proposal was met in a spirit of corresponding liberality, at the same time, however, reserving the right to take such course as Government might deem necessary where no such reciprocal feeling was shown.

Reply  
thereto of  
America.

It is unnecessary to enter at great length into the explanations given in reply by foreign Governments. Some of these are, however, too important to be omitted in a work of this kind. Pre-eminently the disposition of the United States, or rather the opinion of Congress, as well as of the Executive, was essentially necessary to be known on this side of the Atlantic. Consequently Mr. John F. Crampton, our Envoy at Washington, lost no time in bringing the question before the then American Secretary of State, Mr. Buchanan.<sup>1</sup> That gentleman in reply said, that the most satisfactory answer he could give was to furnish a copy of the first section of the Act of Congress, approved on the 24th May, 1828, intituled "An Act, in addition to an Act intituled, 'an Act concerning discriminating Duties of Tonnage and Import, and to equalise the duties on Prussian Vessels and their Cargoes.'" The substance of this law will be found in another part of this work,<sup>2</sup> and it will be remembered that it conferred a power on the American President to reciprocate by proclamation

<sup>1</sup> See 'Parliamentary Papers,' vol. li., 1849, p. 237, *et seq.*

<sup>2</sup> *Ante*, p. 63.

any abolition of discriminating duties of tonnage or imports made by foreign nations. Mr. Buchanan pointed out with just pride that Congress twenty years previously had offered reciprocity of trade to all the world, and that England might, by complying with the fair and equitable conditions of that Act, have at any moment placed her vessels and their cargoes, both in our direct and indirect foreign trade, on the same footing with those of America. Mr. Buchanan added that, previously to 1828, reciprocity in commerce and navigation had been practically adopted by his Government in specific treaties with Denmark, Sweden, the Hanseatic Republics, and Prussia, and had since been carried out in other treaties concluded with Austria, Russia, &c., all of these being still in force.

Mr. Buchanan's letter.

But the following remarkable observation made by Mr. Buchanan at the close of his letter, gives conclusive testimony that when Mr. Bancroft offered "to give us all," *i.e.* the coasting trade, this offer was wholly unauthorized by the American Government.<sup>1</sup> The words of Mr. Buchanan were: "I might

<sup>1</sup> In truth, the policy of the American Government, since that country became an independent nation, has with few exceptions been throughout in favour of Protection. When Congress was first inaugurated in 1789, one of the measures of that year (4th July) was "An Act for levying Duty on Goods," &c., and another (20th July, 1789) was passed, entitled "An Act imposing Duties on Tonnage." Indeed, so thoroughly Protectionist were the great founders of the Republic, that Mr. Adams, writing to Mr. Jay in Paris on the 26th February, 1786, says: "If the United States would come to the resolution to prevent all foreign vessels from coming to their ports, and confine all exports and imports to their own ships and seamen, *they would do for anything that I know the wisest thing which human prudence could dictate.*" Further he says: "On the other hand, if the United States would adopt the principle of the French economists, and allow

add that the President, in accordance with the spirit of this Act (of 1828) has already made a specific proposal to Great Britain through Mr. Bancroft to Lord Palmerston, dated 3rd November, 1847, to conclude a treaty providing that "British ships may trade from any port in the world to any port in the United States, and be received, protected, and, in respect to charges and duties, treated like American ships, if, reciprocally, American ships may in like manner trade from any port of the world to any port under the dominion of her Britannic Majesty: but *of course, this proposal was not intended to embrace the coasting trade of either country.*"<sup>1</sup> Mr. Buchanan did not confine himself merely to this honest, frank disclaimer. While his own opinions, as well as those of the highly liberal and intelligent Secretary of the Treasury, Mr. R. J. Walker, whose admirable report was published at the same time, were decidedly in favour of meeting the change proposed by reciprocal legislation, he did not conceal from Mr. Crampton that it was probable some difference of opinion would manifest itself in Congress upon this question, from the unwillingness felt in some quarters to throw open the ship-building business in the United States

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the ships and merchants of all nations equal privileges with their own citizens, the consequence would be the sudden annihilation of their manufactures and navigation." And this has been in a great measure the opinion entertained by the Americans throughout, no doubt under the impression that, with so vast a territory, where they had within themselves almost everything they required, they could do without foreign nations. They have not yet seen the advantages they would derive by being allowed to purchase in the cheapest market, wherever that market may be,—home or abroad.

<sup>1</sup> See Mr. Buchanan's letter in full, vol. li. 'Parliamentary Papers,' p. 239.



to the formidable competition of British shipbuilders, and more particularly to that of the shipbuilders of the British North American colonies.

Many persons in England shared the apprehensions expressed by Mr. Buchanan, especially those who, having watched throughout the progress of the agitation for the repeal of the Navigation Laws, were aware of the strong Protectionist feelings then and still prevalent on the seaboard of the States, though not shared to the same extent by the non-navigating classes : they did not, therefore, believe that Congress would allow the President to put even the Act for 1828 in force without a serious struggle. However, though no opposition was offered, the expressions of Mr. Buchanan to Mr. Crampton warranted a reasonable doubt lest, when it came to the point, whether reciprocity would be granted to the ships of Great Britain. That no difficulty was started on the other side was mainly due to the meritorious reports of Mr. Walker, whose zeal in the cause of freedom of commerce and navigation deserves the highest encomium.

The application made to France with a view of ascertaining the disposition of the Republic to enter into a course of mutual Free-trade had no result. M. Drouyn de Lhuys, in a letter dated 31st January, 1849, (misdated 1848, see p. 209), complained of our partial non-execution of the clauses of the Convention of 1826 ; but, as regarded future legislation, he said in substance that, as in England the question was being subjected to the gravest consideration, so in France, now that her mission was to march in the way of liberality, the greatest circumspection was necessary.

Reply of  
other  
Powers.

The subject was referred to the competent authorities, and a few vague words about a desire on the part of the Republic to follow the principles of reciprocity closed the despatch, for whatever the opinions of the President may have been, the people of France were not then prepared to recognise the principles of Free-trade.

Sardinia expressed a very honourable desire to meet us on the basis of reciprocity. With Russia a practical reciprocity already existed. In Austria no differential duties existed between national and English vessels. The answer, however, given by Count Bülow on the part of Prussia was by no means satisfactory, inasmuch as he could give no pledge as to future legislation, the policy of Prussia being bound up with the Zollverein States. The answer from Belgium presented difficulties. That from Portugal intimated general, but very equivocating and undecided, Free-trade principles, to the effect that, as the peculiarities of the commerce of the different nations of Europe were so various, the Minister of Portugal "could not believe in the complete acquiescence of those same nations with the plan which England proposed to follow." A glance was directed to the benefits of Free-trade, and Viscount de Castro added: "But if this is not the time for restrictions, neither can it be for Portugal that of reducing the few that exist, as that would be the means of entirely destroying the mercantile navy." Lord Palmerston was, however, consoled for the unfavourable answer by the assurance of the Portuguese Government that whatever were the facilities the nations of Europe might adopt in correspondence with the Bill then

under discussion in the British Parliament, England would not obtain from any of those nations the almost entire monopoly she then enjoyed in her maritime intercourse with Portugal. The Viscount de Castro hoped, therefore, that "in Council" no exception would be made to injure the trade of Portugal.

In spite of the want of success (and they received but scanty support) Ministers met in their applications to foreign countries for reciprocity, they resolutely persevered in their policy, resting for their chief support almost wholly on the Free-trade party in the House of Commons. The principles of Free-trade had become the established and predominant policy of the nation, and navigation alone was the exceptional branch which, until then, had successfully resisted innovation.

It was very remarkable, that in the celebrated Petition of the London merchants to the House of Commons, so far back as 1820,<sup>1</sup> from which the Free-trade movement may be dated, no mention is made of the Navigation Laws. Mr. Tooke, who drew the petition,<sup>1</sup> directed chiefly attention to the then unacknowledged fact that freedom from restraint was calculated to give the utmost extension to foreign trade, and the best direction to the capital and industry of the country. That the maxim of buying in the cheapest market and selling in the dearest, the rule of every merchant in his individual dealings, was as strictly applicable to the trade of the nation; but had Mr.

Progress  
of Free-  
trade  
views.

<sup>1</sup> It was presented on the 8th May, 1820, by Mr. Alexander Baring, afterwards Lord Ashburton. The whole case is reported in Tooke's 'History of Prices.' Appendix, p. 332.

Tooke at that time hinted anything about navigation, or the abrogation of the existing Navigation Laws, he would have exposed himself almost to personal danger. The success, however, of the Free-trade measures which had been adopted since 1842 had totally changed the current of public opinion, and it was now only the shipowners, and the still powerful Protectionist party in Parliament, which resisted this last crowning measure of Free-trade. The opposition of the shipowners arose from a deep-seated conviction that utter and inevitable ruin to their class would result from the abrogation of the Navigation Laws.

Parlia-  
ment of  
1849.

Parliament assembled on the 2nd of February, 1849. The commercial and manufacturing interests were rallying, but had not as yet effectually revived from the prostration occasioned by the commercial crisis of 1847, and the general want of confidence resulting from the shock of the foreign revolutions in 1848. The shipping trade was in a state of transition, as it was not until some time later that the gold discoveries in Australia gave a fresh impulse to the "long voyage" trade, and that towards a region of the globe which promised but a slow, however certain, future development of wealth and navigation. The shipowners were, in fact, still suffering a periodical depression of trade after two or three very prosperous years.

In the Speech from the Throne delivered by her Majesty in person, she said: "I again commend to your attention the restrictions imposed on commerce by the Navigation Laws. If you shall find that these laws are, in whole or in part, unnecessary for the maintenance of our maritime power while they



fetter trade and industry, you will no doubt deem it right to repeal or modify their provisions."

When the House of Commons assembled, a great void was felt in the absence of Lord George Bentinck, who, during the recess, had been snatched away by death in the very pride of manhood. His devotion to the cause of the shipowners and Protectionist principles rendered his loss deeply felt by many classes. On the day of his interment, which was dark, cold, and drizzling, this feeling of respect was paid in a manner almost reverential. From nine till eleven o'clock that day all the British shipping in the docks and in the river, from London Bridge to Gravesend, hoisted flags half-mast high, and minute guns were fired from appointed stations along the Thames. The same mournful ceremony was observed in all the ports of the United Kingdom; and not only in these, for the flag was half-mast high on every British ship at Antwerp, Rotterdam, and Havre.<sup>1</sup> Whatever may have been the political errors of Lord George Bentinck, he was eminently the friend and champion of the shipowners. Shortly before his death he had renounced the leadership of his party in the House of Commons, and Mr. Disraeli had succeeded him. In the House of Lords the re-appointment of the committee of the preceding year was slightly mentioned; but upon an intimation from the Marquess of Lansdowne that the measure to be introduced by Government would not be delayed for the

Death of  
Lord  
George  
Bentinck,  
21st Sep-  
tember,  
1848.

<sup>1</sup> Vide 'Lord George Bentinck: a Political Biography.' By the Right Hon. B. Disraeli. Pp. 421, 422. See also p. 409, a curious story of the marine picture in the Miracle Room at the cathedral of Antwerp.

report of this committee, the shipowners abandoned whatever designs some of them may have had to prolong the inquiry.

Mr. Labouchere's  
new resolution,  
February  
14, 1849.

On the 14th February Mr. Labouchere, still President of the Board of Trade, moved a fresh resolution almost in the identical terms employed in the preceding year. He recapitulated at great length the arguments in favour of repeal which he had employed in the previous session. It will be unnecessary to dwell upon these here ; but his new light with regard to the coasting trade deserves a place in tracing the progress of our mercantile marine : on this branch of the subject he seemed to tremble before the superior abilities of Mr. Gladstone ; and the remarks of that gentleman intimating a strong desire to surrender the coasting trade, with a view to obtain in return that of the United States, evidently made considerable impression upon his mind, so that he scarcely knew what to grant or refuse. Mr. Gladstone asked, not merely that we should give colonial trade for colonial trade, but our coasting trade for theirs. It was asserted that the American trade, say from New York to California, was a foreign, or colonial, rather than a coasting traffic. But to argue that a voyage from London to Malta was to be held part of a colonial trade, while a voyage from California to New York was to be considered part of a coasting trade, was preposterous, and Mr. Labouchere affected to believe that the United States would not persist in a policy so contrary to the dictates of justice and common sense.<sup>1</sup>

<sup>1</sup> The Americans have, however, persisted in this policy to this day ; a fact which cannot be too often repeated.

The fresh consideration which Mr. Labouchere had given to his measure enabled him now to propose a plan which, while it did not imply a total abolition of all restrictions, would effect a considerable modification of them, and at the same time enable us, as he conceived, to get, *without cavil or hesitation*, such a measure from America as the important interests of this country demanded, without exposing our revenue to danger, or exciting alarm among those engaged in the coasting trade of this country.<sup>1</sup> Such were the sanguine but vain expectations of Mr. Labouchere. He tried to make it appear that there were two branches of the coasting trade, which, although they went by the same name, were yet essentially distinct from each other. There was the trade, conducted principally either by steam-boats or small vessels, consisting in the carrying of goods and passengers to and fro, and depending on local connection with the places between which the trade was conducted. With that trade foreigners could not compete; and, consequently, he illogically argued that it was not intended to disturb that trade or throw it open to foreign competition; so that he proposed to keep the coasting trade, which consisted of passing from one port to another of the United Kingdom, on its present footing. Government had, however, he said, resolved to abolish restrictions which prevented the combination of a coasting with a foreign voyage. It was not proposed that either a foreign vessel or an English vessel foreign bound

Proposed  
change in  
the coast-  
ing trade.

<sup>1</sup> It may be said that the reason for maintaining the coasting trade was not so much the fear of injuring the shipowners employed in it as destroying "the nursery for our seamen."

should be allowed to proceed from port to port in England and then return; but that sailing from a British port, and being bound for a foreign port, they should be permitted to carry from one British port to another, and then clear out and proceed on their voyage. The Customs' authorities reported that this could be done consistently with safety to the revenue, provided there was a restriction that the cargoes should not be carried in vessels under 100 tons burden, so as to prevent smuggling, although, as a matter of fact, the light dues and other charges must effectually prevent such a trade. Such was the bungling scheme respecting the coasting trade proposed by Mr. Labouchere, whereby he attempted to satisfy all parties, and bring the Americans to terms.

Mr. Bancroft recalcitrates.

When Alderman Thompson asked whether any intimation had been received from the American Government as to any convention with respect to the coasting trade, Mr. Labouchere answered, that in a recent interview he had had with Mr. Bancroft, that gentleman said, "he should be willing the next day to sign any convention which should include the coasting trade, and Mr. Labouchere believed him to be sincere;<sup>1</sup> though, by Mr. Buchanan's letter of the 9th February (which had not yet reached England), the American Secretary of State had expressly said, "*the coasting trade is of course reserved.*" As a matter of course, when Mr. Buchanan's letter reached England all Mr. Labouchere's visions of reciprocity in the coasting trade vanished. At a subsequent period Mr. Labouchere, curiously enough, entered into a

<sup>1</sup> See 'Hansard,' March 23, 1849, vol. ciii. p. 1229.



defence of Mr. Bancroft, "who was a most honour-  
 able and straightforward man." Be that, however,  
 as it may, he certainly deceived Mr. Labouchere;  
 and, indeed, Lord Palmerston also, who up to the 5th  
 March, expressed himself in the strongest manner  
 that the reply of the American Government would  
 fully bear out Mr. Bancroft's pledges. Such was the  
 ignominious rejection of these clauses relating to the  
 coasting trade, which had been inserted in the Bill  
 of 1849 to meet "the conciliatory disposition" of  
 Mr. Bancroft, but which his superiors at Washington  
 sternly and unequivocally repudiated.

The debate on Mr. Labouchere's resolution brought  
 out again all Mr. Herries' arguments and adverse  
 predictions about repeal. Alderman Thompson com-  
 plained that the United States minister was recalled  
 with every change of Presidency, and that Mr. Ban-  
 croft was notoriously more liberal than President  
 Taylor, who had been elected upon the principle of  
 Protection to native industry. Mr. Banks, Mr. Hild-  
 yard, Sir John Tyrrell, and the Marquess of Granby  
 followed Mr. Herries and Alderman Thompson in  
 the same line of objection; whilst Mr. Hume, Colonel  
 Thompson, Mr. Mitchell, and Mr. John Williams,  
 maintained the Free-trade line of argument. Mr. J. L.  
 Ricardo vehemently supported the extreme views of  
 Free-trade, and said emphatically to the shipowners:  
 "Depend upon yourselves—depend upon your ener-  
 gies as Englishmen—depend upon the resources of  
 this country and the wealth which commands the  
 resources of the world, and do not trust to Acts of  
 Parliament. It would be better to send forth our  
 ships free as the winds which filled their sails, with

Hence  
 withdraw-  
 al of the  
 coasting  
 clauses.

The de-  
 bate.

Alderman  
 Thomp-  
 son, &c.

Mr.  
 Ricardo.

liberty to go where they would, and come from where it suited them, than to start them from our ports encumbered with the 8 & 9 Vict. cap. 88, and ballasted with twelve volumes of Hertslet's 'Commercial Treaties.' ” The resolution was agreed to without a trial of strength, and the Bill was brought in.<sup>1</sup> It contained twenty-three clauses.

Meeting  
of the  
Ship-  
owners'  
Society.

Upon the 2nd March, the second reading of the Bill having been fixed for the 9th March, the General Shipowners' Society held their annual meeting at the London Tavern. Their accustomed comments upon lights, harbours, and pilotage; discriminating duties in foreign ports; the East Indian salt monopoly; the Merchant Seamen's Act; the Passengers' Act; the Merchant Seamen's Fund, and a variety of other points, which, at ordinary times, usually occupied a large share of their attention and space in their report—were on this occasion all subordinate to the one question of all-absorbing consequence, the threatened impending repeal of the Navigation Laws. To discuss special regulations affecting maritime commerce, while the whole question of general policy trembled in the balance, was both inconvenient and embarrassing.

Their re-  
port.

The committee narrated at great length the various steps taken by Government since 1846 with regard to the Navigation Laws. In reviewing the evidence taken before both Houses, the shipowners made it appear that they were completely triumphant in establishing all the various points on which they took their ground; viz., that no evil susceptible of any

<sup>1</sup> The original Bill, and the Bill as amended in Committee, will be found in vol. iv., 1849, pp. 331 and 347.

remedy had been or could be proved, arising from the practical operation of the Navigation Laws : that the maintenance of the Protective principle on which those laws were founded was indispensable to the maintenance of an extensive mercantile marine : that the preservation of such a mercantile marine was equally necessary for the existence of a powerful navy : and that, hence, the repeal of the Navigation Laws would involve danger to the basis of our national defence.

Having proclaimed their own triumph, they next turned their attention to the Bill then before the public, and, pointing out the unsparing criticism it had provoked, demanded the strenuous and uncompromising resistance, not only of every shipowner, but of every friend to his country. They accordingly denounced it "as fraught with consequences destructive to the shipping interest, and dangerous to the welfare and safety of the country ;" in short, as one of the most unjust measures ever submitted to Parliament.

The Committee next proceeded to analyse the Bill, justifying their censure of its provisions. It was said to be a concession to the demands of the West Indies and Canada. The demand having been made under an official stimulant, the West Indian interest, perceiving their error, they alleged, has now disclaimed it, and publicly declared that they have no desire for the repeal. Canada, with selfish and precipitate incaution, had put forward a similar demand ; but the demand for free navigation was coupled in the same document with an inconsistent claim for the re-enactment of a Protective duty in favour of her

agricultural produce. The expectation of benefit entertained by the Canadians from the repeal of the Navigation Laws had, in the opinion of the ship-owners, as little real foundation as those the West Indians had first entertained, but subsequently abandoned. Their Committee expressed doubt of any beneficial reciprocity from the United States, especially as any commercial treaty must be controlled by two-thirds of the Senate.<sup>1</sup> They treated the power of re-imposing restrictions as in principle opposed to every prudent rule of State policy. The coasting-trade clauses, of course, met with condemnation. If, they asserted, the censure cast upon shipmasters was deserved, the injustice to the owner was flagrant. If unmerited, the measure was sustained by cruel calumny.

The man-  
ning-  
clause  
grievance.

But the most notorious as well as the most important and disqualifying inconsistency was the compulsion on a British shipowner to man his ship with British seamen. This was magnified into a stupendous grievance. It was said to force the shipowner to conduct his affairs contrary to his conviction of his own interest, and according to the arbitrary dictates of an inconsistent and tyrannical Act of Parliament. The Committee, kindling with indignation at the mere recital of their grievances, averred that if the Navigation Laws were repealed, a British registry must be regarded as a badge of

<sup>1</sup> In the first draft of the Constitution of the United States, the power of Congress was limited by a special provision that "No Navigation Acts should be passed without the assent of two-thirds of the members present in each House." See Pitkin's 'Political and Civil History of the United States;' and, though this proposal was afterwards reported against, it remains in force to the present day.



slavery, and an instrument of oppressive interference ; nor did they doubt that to escape its bonds, unaccompanied as it then would be by any benefit whatsoever, British capital would to a great extent be invested in foreign shipping, to be engaged in the British carrying trade.

With these views, they enjoined union among themselves. They trusted that shipowners would abstain from promulgating separate opinions, or allow themselves to be drawn into controversy and disunion, as, by these means, successful resistance would be impossible. They called on the shipowners at the several outports to send deputies to the "central committee in London for upholding the principles of the Navigation Laws."

Policy proposed.

By these means, they argued that there would be an opportunity for a careful consideration of the future steps to be taken during the progress of the Bill through the House of Commons. They further suggested, that every possible endeavour should be made to enlist the sympathy and engage the support of other powerful interests. The principle they proposed was the disclaiming all desire for monopoly, and the advocacy of such moderate and just protection to all interests as would admit of foreign competition, so far as might be sufficient to stimulate to the utmost domestic energies, but, at the same time, would limit this competition within such bounds as to prevent domestic energies from being crushed in the struggle. They concluded by reminding the shipowners that "Union is Strength," and by expressing a fervent hope that this contest, which their enemies had insultingly designated as a struggle

“for the last rag of Protection,” would, in its results, roll back the tide on their opponents, thus leading to the universal application of the principles of just and moderate protection to domestic interests, and superseding for ever the rash and delusive theories which, in recent legislation, had successively involved every interest of the State in difficulty, distress, and ruin.

Agitation  
in the  
country.

The agitation thus invoked by the central body of shipowners in London was responded to by their fellow-shipowners throughout the country. Meetings were held at Belfast, Bristol, Dartmouth, Devonport, Dunfermline, Dundee, Exeter, Exmouth, Fleetwood, Glasgow, Gateshead, Hull, Hartlepool, London, Liverpool, Leith, Lynn, Montrose, Newcastle-upon-Tyne, Portsmouth, Penzance, Perth, Sunderland, Shields, St. Andrews, Swansea, Saltash, Tyne-mouth, Weymouth, and Yarmouth. The petition from London was signed by 27,000 persons of the most respectable classes; while that from Liverpool comprised 24,700 names, not shipowners exclusively. This petition, eloquently drawn up, expressed alarm at the progress of a measure which proposed to take away from this country advantages it had so long and so successfully enjoyed, and to invite, unwisely, foreign nations to share those advantages with us; nations, too, utterly unable, even if willing, to confer on us any adequate equivalent in return. It pointed at the evident result of the substitution, to a great extent, of foreign for British and colonial shipping, the employment of foreign labour and capital in lieu of our own, and the creation of new relations between foreign nations and our own colonies;

thereby weakening the ties which bind the latter to the mother-country, and diminishing British power and influence throughout the world. They did not fail to show, above all, the consequences the measure would have on the supply of seamen to the Royal Navy.

The second reading of the Bill was fixed for the 9th March, when each party mustered all its forces. The shipowners throughout the kingdom were in a state of great excitement. It was true that among them were many who were ready to accept the measure as proposed by Government, if other nations would only reciprocate; and there were even a few who were so extreme in their views of Free-trade as to desire that the Bill should be carried as it stood, but the majority were vehemently opposed to repeal; and, though some fears were entertained that the second reading of the Bill would be carried in the House of Commons, it was confidently anticipated that a considerable majority in the Lords would, under the brilliant leadership of Lord Stanley (Lord Derby), who had warmly espoused their cause, defeat its progress and throw out the Whig administration.

## CHAPTER IX.

The debate, March 1849—Speech of Mr. Herries—Mr. J. Wilson—Question of reciprocity—Doubtful even in the case of shipping—Difficulty of the “Favoured-nation” clause—Marquess of Granby—Mr. Cardwell—Mr. Henley—Mr. Gladstone—Burdens to be removed from Shipowners—Conditional legislation recommended—Views on the subject of the coasting trade—Americans not Free-traders—Smuggling in the coasting trade—Mr. Robinson—Mr. Clay—Mr. T. A. Mitchell—Mr. Hildyard—Mr. Ricardo—Mr. H. Drummond—Mr. Labouchere’s reply—Majority of 56 for Bill—Committee on the Bill—Coasting clauses withdrawn—Mr. Bouverie’s amendment, opposed by Shipowners’ Committee—Mr. Gladstone’s scheme, also opposed by the Shipowners—Questions of reciprocity, conditional legislation, and retaliation—Details of American Law—Mr. Bouverie’s plan rejected—Mr. Disraeli’s speech—Third reading of Bill—Mr. Herries’ speech—Mr. Robinson—Mr. Walpole—Sir James Graham—Mr. T. Baring—Lord J. Russell—Mr. Disraeli—Majority for Bill, 61.

The De-  
bate,  
March  
1849.

THE House of Commons, though seldom much interested in maritime and, as was conceived, in intricate questions, was, on this occasion, full to the overflowing. The subject was, indeed, one of crowning interest. The repeal of the Navigation Laws would, as the extreme Free-traders had remarked, sweep away “the last rag of Protection;” or, as others more pompously had expressed it, would form the “capital of that majestic column of unfettered com-



merce which their own hands had reared." The Protectionists, on the other hand, looked on the measure as the final overthrow of our naval power and the destruction of our maritime commerce. The shipowners mustered in great numbers about the Commons; and the author, who had not, at that time, found a seat in the body of the House, was favoured with one in the reporters' gallery.

Mr. Herries was once more selected as the champion of the shipping interest; and, on the question being put that "this Bill be *now* read a second time," moved an amendment that it "be read a second time that day six months." If Mr. Herries was not gifted with great eloquence, he possessed at least great experience, and a thorough knowledge of his subject. His speech in opposition to the Bill was of the most elaborate character. He insisted, that the more the measure was examined, the more the shipowners and the public were adverse to its passing. He examined at great length the correspondence from our colonies and from Foreign Powers, contending that that from Canada was useless, if not repugnant. In point of fact, he said, taking his text from the report of the Shipowners' Society, the opinion of the Canadians had changed, and the public sentiment there appeared decidedly adverse to repeal. A similar change of feeling seemed to have come over the West India colonists, and they had shifted their ground. Germany would do nothing until the central German government was appointed, which, in his opinion, would probably be about the Greek Kalends! The United States pointed out the existing law, but could not answer us till Congress had been consulted. The

Speech of  
Mr. Her-  
ries.

replies from other nations were gone over *seriatim*, and the conduct of Belgium in adhering to what was thought best for Belgian interests was applauded as a wise and liberal course. No foreign Government had given a distinct answer except Belgium, and that was not a favourable one. We had abandoned, he said, some of our restrictive laws in relation to European navigation, and wisely abandoned them, because we could not maintain them any longer. That was the ground of Mr. Huskisson's modifications: but we ought, at present, to hold what we could, and to concede only what we must, in matters of navigation. He admitted, amidst the derisive cheers of the repeal party, that the Navigation Laws imposed restraints on commerce, and so far operated unfavourably; but the question to be considered was whether the gain to be derived from the abolition of these laws was a sufficient inducement for running the risk of the loss to which this abolition must lead. All prudence and sound judgment was opposed to repeal. The voice now rising from every quarter would soon reach those in whose hands the government was placed, and they would learn that their first duty was to uphold British interests, maintain British commerce, and promote British enterprise.

Mr. J.  
Wilson.

Mr. James Wilson, who replied at great length to Mr. Herries, had a few years previously started a Free-trade journal, the 'Economist,' and, having obtained a seat in the House of Commons, became a staunch and formidable advocate of an extreme Free-trade policy. He was a master in statistics, and, as figures were the rage at the time, he happily seized the moment which led to a political fortune, and,

using his knowledge of them to the best advantage became a valuable adjunct to the ministry of the day. His speech on the present occasion showed the beneficial action of Free-trade in the removal of needless restrictions, and, further, that, though our merchants had been exposed to great competition, the aggregate commerce of the country had been proportionally augmented; he therefore asked why the shipping interest should be exempted from a rivalry which other interests had successfully encountered. He then demonstrated the little real advantage the Navigation Laws gave to British shipowners, who, by the very policy of those laws, were exposed to competition in the long-voyage trade in the very places where competition was most injurious to them; and, further, that all the tests fairly applied to the question proved the ability of British shipowners to compete with the foreigner. In some cases, too, he held that the Navigation Laws acted as a protection to foreign at the expense of British ships; and while, practically, of little benefit to the shipowner, there could be no doubt that these restrictions operated injuriously, especially in emergencies, on consumers, and, ultimately of course, on shipowners themselves. If a commercial marine was necessary to support our navy, Free-trade had increased and would increase that marine.

But perhaps the most important part of Mr. Wilson's speech was that relating to the question of reciprocity. The general question was, indeed, beginning to resolve itself into three points. All parties had come to the conclusion that some change was necessary; but it remained to be decided whether

Question  
of reci-  
procity.

reciprocity, conditional legislation and retaliation, should be the principle of the measure. Mr. Gladstone last year had strongly urged the principle of reciprocity in some cases by special treaties. Mr. Wilson very strongly combated this principle. Nothing he thought would be more prejudicial to the spread of Free-trade principles among continental nations than that this country should sanction the notion entertained by foreign Governments, that the British Government was willing to make concessions not so much for the general benefit of commerce, as for the sake of other concessions, to be thus obtained from foreign countries in favour of England. Foreign nations considered England as an old and wealthy nation, and expected to be overreached in forming commercial treaties.

He objected, therefore, to the principle of reciprocity, as it would actually throw difficulties in the way of those who were willing to meet us. On any principle of reciprocity they must adopt that of equivalents, and this was impossible. Other countries had no colonies, and had, consequently, no equivalent advantages to offer in return for those conferred by England. He admitted, however, that there was a great distinction between reciprocity in produce and reciprocity in shipping. If they imposed retaliatory duties on the produce of various countries, for the purpose of meeting duties imposed on their own goods, they did not visit the same interests with this retaliation. For example, cotton and woollen goods were sent to Prussia : we received from Prussia, corn, timber, and wool. If Prussia imposed high duties on cotton and woollen goods, we could only retaliate by



putting high duties on the corn, timber, and wool of Prussia when imported into England. The Prussian Government punished the woollen manufacturer and the cotton manufacturer of England by imposing high duties on their goods; and, then, the English Legislature punished them again by imposing high duties on the raw material from which those goods were manufactured. Nothing could be more monstrous than such a course of proceeding. If we acted on the principle of reciprocity, we ought to give perfect freedom of trade to those who gave perfect freedom of trade to us. If the United States admitted our goods duty free, we could not do less than admit the corn of the United States free.

Suppose, again, Russia, on the Black Sea, imposed a duty of 50 per cent. on manufactures, we must retaliate by a duty of 50 per cent. on Russian corn and timber. We must, in fact, have distinct treaties and distinct tariffs, and there would hence result a most complicated system of international commerce. Reciprocity meant that or nothing. But, after thus stating his views on reciprocity of produce, Mr. Wilson admitted that by imposing restrictions on foreign ships corresponding with those imposed on our own, we should have the advantage of dealing with the same interest, and the weapon would be more likely to be effectual, in that those, for whose sake duties were imposed abroad, would be subject to corresponding disadvantages in this country. But he was wholly opposed to reciprocity even in shipping. He had shown what variety of treaties would be required if the principle of reciprocity was adopted with regard to manufactures and

Doubtful  
even in  
the case of  
shipping.

produce ; and he felt convinced that a corresponding or analogous difficulty would arise from adopting that principle in the case of shipping. Very intricate and complicated regulations would be required.

Difficulty  
of the "Fa-  
voured-  
nation"  
clause.

Thus, supposing we found a country disposed to give all, we ourselves would be obliged to give all. But then it must be borne in mind that there were twenty countries with whom we had already treaties, and to whom we were bound to extend the advantages obtainable by the most favoured nations : and, therefore, if, now, we gave privileges to any one country, we must extend the same to all the other countries which stood in the same position.

Suppose, he said, that Hamburg were to give this country all that it required, and that, in return, its ships were placed on the same footing as British ships ; what guarantee should we have that a third country, which had given us nothing, would not derive the same advantages as the shipowners of Hamburg, or that the sugar of Java, and the coffee of South America, would not be brought to this country in their ships ? There would be no end of evasion. The United States would reciprocate ; Prussia would do the same ; Russia and the ports of the Hanseatic League would follow their example : what, therefore, had this country to fear ? It was admitted that we should not expect the same reciprocity from France, Spain, or Belgium ; but, in these cases, should we be really worse off than we are now ? At this moment France and Spain had great privileges in this country. France had the right, not according to treaty, but from the general policy of our Navigation Laws, to send her produce direct to this country in her own

ships. She, however, availed herself to a very small extent of this privilege. Nine-tenths of the importations of Spanish colonial sugars came likewise in British bottoms. As far as regards the reservations at the discretion of the Queen in Council, Free-trade unrestricted would most assuredly be the rule and restriction the exception.

The Marquess of Granby followed on the side of Marquess of Granby. Protection, urging the mischief that would result from the great number of persons thrown out of employment; he pointed out how uncertain were the advantages to be derived, and the reality of its evils; but despite of disadvantages, if Englishmen were but true to themselves and their country, he felt that we should be able to weather the impending storm, and retain the command of that "glorious element" which was our natural protector, so that the flag of England might still for years to come "wave triumphant over every sea."

Mr. Cardwell, although he could not share in the Mr. Cardwell. gloomy apprehensions of Mr. Herries or the eloquent doubts of the Marquess of Granby, felt the importance of this question and its bearing on the mercantile interests of England and her colonies. He warned the House of the danger of not taking timely steps with regard to what was called the "long-voyage" clause, which some of the witnesses before the Lords' Committee regarded as a fundamental principle of the Navigation Laws; and he showed that the effect of maintaining this clause would be to defeat the policy of the warehousing system, and rob us of a large share of the commerce of the world. There was nothing more important

than that great interest known by the denomination of the "warehousing system," which had been the growth of comparatively recent years and was the offspring of a judicious relaxation in the Navigation Laws: this system he held had made this country the entrepôt between regions furnishing tropical produce and the great consuming countries of Europe. Mr. Cardwell then urged the importance of the Canadian claims, and described the keen competition going on between Canada and the United States.

Mr. Hen-  
ley.

Mr. Henley went into a long argument against the Bill, especially animadverting upon Mr. Wilson's having derided reciprocity, while nevertheless the Bill legislated for it, and Government had been in correspondence with foreign Governments for the purpose of securing it. "What did the Government intend to do," he asked, "on the subject of impressment? If the masters were to be taken from a superior class, were they still liable to be impressed?"<sup>1</sup> The experiment of Free-trade had not in Mr. Henley's opinion been sufficiently tried to justify the application of that principle to another great interest. If the country were polled, every man, he was sure, would cheerfully pay the hardly-appreciable advance in prices, rather than run the risk of a failure in an experiment so dangerous. No one had attempted to deny that obstruction was here, and inconvenience there; but when you came to balance the possible risk with the possible gain, no one would be disposed

<sup>1</sup> This may appear unintelligible: while actually masters they could not, it is true, be taken; but Mr. Henley said they might be, while changing from one ship to another, and that he knew of instances in which mates had been impressed, placed on board a man-of-war, and kept there for seven years.



to run that risk, which he for one feared must take place if the measure were carried. It was a great interest to tamper with, and involved not only capital and industry, but the national defences.

The debate was adjourned to the 13th of March, when it was resumed by Mr. Gladstone, with his usual ability, in an elaborate speech. He supported the second reading of the Bill, as furnishing the only opportunity of inducing the House to agree to a change in the Navigation Laws. He denied that this change would be the destruction of the shipping interests, and thought it was a fitting time for effecting numerous alterations. Mr. Gladstone, however, differed from many who supported the measure. His doctrine was still that they should not abandon the path of experience. In his opinion, it was only on principles analogous to those of Mr. Huskisson that we could safely depart from the system of navigation we had so long pursued, interwoven as this had been, for centuries, with our national policy. There were several demands the shipowner might fairly make upon the Legislature when about to be deprived of protection. He was entitled to the removal of every peculiar burden by which he was now hampered. If we exposed him to unrestricted competition with foreigners, we should give him a drawback, or a remission of the duties on the timber he required for the construction of his ships. He should also be relieved from the restraint with respect to the manning of his ships. There was another compensation to which the shipowner was entitled. By repealing the Navigation Laws, he would have to undergo competition from the Baltic, sharp as far as it went, and

Mr. Gladstone.

Burdens to be removed from Ship-owners.

from the United States, all over the world. He was therefore entitled to ask that he should be admitted to those fields of employment from which he was then excluded. The policy pointed out by experience, Mr. Gladstone contended, was that of *conditional* relaxation. He had never entertained the notion that we should proceed by treaties of reciprocity with foreign Powers. There were difficulties in the way of doing so which a wise Legislature would avoid. The American system, so far as it went, should be our model. By adopting it, he considered that difficulties inseparable from the system of reciprocity treaties would be avoided.

Condition-  
al legisla-  
tion re-  
commend  
ed.

The immediate effect of conditional relaxation would be to give vessels of such States as conferred privileges on our shipping corresponding advantages in our ports. Such a course would be in accordance with precedent and experience; was demanded by justice, and would be found easier of execution than the plan proposed by the Queen's Government. There was in his mind an insuperable objection to any form of retaliation. Every word urged against the system of reciprocity told with augmented force against that of retaliation. He would join in opposing that feature of the plan, regarding it, as he did, as a material defect. But if Government would not consent to legislate on the subject, conditionally, he would advise it to do so directly, without the accompaniment of retaliation. In fact, the conditional system was that on which we now, practically, acted with regard to many of the maritime nations of the world.

Views on  
the subject  
of the  
coasting  
trade.

There was another feature in the Government proposition Mr. Gladstone regarded as defective.

He was of opinion that the mode in which it proposed to deal with the coasting trade would be found ineffectual. Before we could expect to get the advantage of the American coasting trade we must throw our own unreservedly open to that country.<sup>1</sup> Any chance we could have of getting from America a share of her coasting trade must depend upon our offering her our entire coasting trade, leaving her perfectly free to accept it or not, under the regulations now affecting British ships engaged in it. But we must not expect of America that she would fetter herself towards other countries by those particular regulations which it was proposed to lay down, and which do not give up the whole coasting trade, but only portions of it; to any such regulations we could not expect that America would agree. "If we proceed by unconditional legislation, and offer up our colonial trade instead of giving up our coasting trade, I believe she will get our colonial trade, and may then be ready to give up some comparatively insignificant advantages in return; *but America is not a lover of Free-trade in the abstract.* The Protectionist principle is very strong in America," he continued, "although it is not so strong with reference to shipping as to manufactures."<sup>2</sup> For these and other reasons Mr. Gladstone insisted on the expediency of throwing open

Americans  
not Free-  
traders.

<sup>1</sup> While the second reading was under discussion, ministers did not present the papers from the United States, in which the coasting trade was reserved. They discreetly kept the secret up to the last moment before the division. Had the Bill thrown open the whole coasting trade, we now know the Americans would have declined to reciprocate.

<sup>2</sup> This is quite true, but the reader has had this fully accounted for by the antagonistic interests of the non-navigating and navigating States. The opposite feeling was disclosed in the very first debates of the Republic.

Smug-  
gling in  
the coast-  
ing trade.

the coasting trade to the foreigner, "if he could find his way into it."<sup>1</sup> At present the uniform and invariable rule, he added, is to insist on the strictest possible separation between the outward and inward-bound goods, between foreign trade goods and goods coastwise; and, in point of fact, with a system of drawbacks and high duty goods, there would be the greatest danger to the revenue, or we must undergo the most enormous expense, if we do not insist on the separation of cargoes. But if a vessel is allowed to take in goods to carry coastwise, duty paid, she might be taking in tobacco in Liverpool, duty paid, to carry it coastwise, while at the same time she was discharging tobacco at Liverpool, not duty paid. This would be fraught with great danger. Mr. Gladstone then pointed out the conflicting interests of various colonies; and that the only way to render justice to all was by conditional legislation.

Mr. Robin-  
son.

The substance of the speech of Mr. Robinson, Chairman of Lloyd's, who followed Mr. Gladstone, was, in the event of the Bill passing, to claim indemnity for the shipowner. Would Government, he asked, take the duty off timber; the duty on the timber for a vessel of 200 tons being 300*l.*? There was also the duty on marine *assurances*; and, indeed, all the taxes now pressing on the British shipowner, but from which the foreigner was free. Would Government relieve the shipowner from the apprenticeship restrictions, and allow him to man his ship with foreign seamen? Government, he felt sure, could not give any such assurance, and if they did and the

<sup>1</sup> The entries and clearances of foreign vessels in the coasting trade of the United Kingdom are quite insignificant.



promise was realised, Mr. Robinson doubted if, even then, the British shipowner could compete successfully with the foreigner.

Mr. Clay, the extreme Liberal member for Hull, Mr. Clay. who would perhaps have lost his seat had he voted for repeal, made a Free-trade speech, but ended by voting against the Government measure. The position he took was that as long as the burdens of the shipowner remained, protection must be conceded to him. Mr. Hornby, who represented another of the outports, recommended that concessions should only be made *pari passu*, and that we ought not to give up the all-important maritime advantages we possess.

Mr. T. A. Mitchell reproached Free-traders like Mr. T. A. Mitchell. Mr. Hornby for voting against repeal, and especially animadverted on Mr. Gladstone's procedure, whose speech in its general effect was surprising, as coming from an advocate of Free-trade. A more effectual mode, in his judgment, could not have been taken to damage the whole scheme. Mr. Mitchell ardently supported repeal, not believing the average rate of freights would decline in consequence ; moreover, the repeal, he thought, would enable us to escape the inordinately high freights which, in times of sudden emergency we were now called upon to pay.

Mr. Hildyard urged very strongly the importance Mr. Hildyard. of the coasting trade of the United States, and the necessity of securing it. He admitted that the coast of England was a difficult and dangerous one, and that there was not much chance of America competing with us in that trade. On the other hand, the coasting trade of America was of great importance. An United States committee on harbours and rivers,

during the preceding year, had shown that no fewer than eight States were mainly dependent upon seven great lakes for their commercial intercourse; and that the line of coast of these eight States was not less than 3000 miles; while, on the Mississippi and its tributaries, fourteen States in 1846, with a population of 6,500,000, relied for their easiest means of intercommunication. The sea-board of Maine was more valuable still; so that it was of very great importance, if concessions were to be made, that we should participate in the coasting trade of America.

Mr.  
Ricardo.

Mr. Ricardo, while supporting the propriety of freeing the shipowners from many of the burdens imposed on them, argued that the retaliatory clause could not possibly be maintained, and that the proposed reciprocity system was equally untenable.

Mr. H.  
Drummond.

Mr. H. Drummond, in one of his witty, splenetic speeches, opposed the Bill. The object, he said, of every statesman in past times had been to prevent capital from going out of the country, on the ground that, if capital went out of the country, the labour of the country would not be employed. Now every successive minister had to get up, and, on every question brought forward, to go against every principle he had previously defended, and so to take the opposite side of every view he had before maintained. There were Fates presiding from which no minister could liberate himself; while, as for the House itself, there would appear to be a spell over them, rendering them passive and helpless; while every successive Chancellor of the Exchequer picked away at their livers *ad libitum*. The most celebrated statesman of

antiquity said: "There is in maritime States a corruption and instability of morals, for they import not only merchandise but morals, so that nothing can remain entire in the institutions of their country." The only quarrel, Mr. Drummond added, he had with the Free-traders was with respect to Adam Smith, that they never would read beyond one page of him. And yet, it was by men actuated by similarly interested motives, that the House was now guided. The manufacturer sent out to Africa for cotton; he employed African labourers in its cultivation; he brought it home in an American ship; he spun it into yarn by his machinery, and then sent it in a French vessel to be exchanged for French cloth or silks, or other articles of French manufacture. So that the whole process might be perfected without the employment of a single English labourer. The poet exclaimed:—

"Lives there a man with soul so dead,  
Who never to himself has said,  
This is my own, my native land?"

Yes! at Manchester there were a thousand such. Not content with bringing accusations against the English sailors, not content with slighting the opinions of their officers, they now said this country had a superstitious reverence for the navy. He would not deny that they might have had such a feeling, for there was a time when they had a national faith; there was a time when they venerated, worshipped even, the statesman who guided safely the destinies of the country; when they revered the magistrates who presided over the administration of their laws;

when they gloried in the soldiers and the sailors who maintained the greatness of the nation throughout the world; when the noblest *credo* that they had was "Rule Britannia!" and when the finest anthem in their ritual was "God save the Queen!"

Mr. Labouchere's  
reply.

After this protracted debate, Mr. Labouchere rose to reply. He went over the chief points urged against repeal, and asked for no vote in favour of it but from those who admitted the propriety of a departure from the system of the Navigation Laws. He was ready to consider any suggestions, in reference to the details, provided they were not inconsistent with the principle of the Bill. He saw no reason why the *present* retention of the timber duties should operate as a bar to the immediate repeal of the Navigation Laws. He opposed Mr. Gladstone's views as narrow and erroneous, and contrary to the true policy of the country. Our commercial policy should not be made to depend upon the views and caprices of foreign States.

The House at length divided, when there appeared for Mr. Herries' amendment (that the Bill be read a second time that day six months) . . . 210

Against it . . . 266

Majority  
of 56 for  
Bill.

Majority in favour of the Bill . . 56

It will be remembered that the opinion of the House in favour of an extensive change in the Navigation Laws was carried in a House of only 411 members by a majority of 117 members. Now, after a year's reflection, we find that in a House of 476 members, the majority of 117 had dwindled down to 56!



This great diminution of the apparent power of Free-traders resulted partly from a general depression of the shipping interests, but, principally, from the great exertions the Shipowners were making to agitate the country in their favour. The announcement of the diminished majority was hailed by the opponents of the measure with loud and prolonged cheering. Every vote was scanned with the most hostile criticism, and Mr. Cardwell, the newly-elected member for Liverpool, was especially censured for voting against the interests of that great maritime port. The Shipowners now took fresh courage, and issued fresh denunciations against the measure, and against the whole of the Free-trade journals—ministerial, Peel, and Cobdenite—which had joined in full cry for the repeal of the Navigation Laws. The agitation against repeal was renewed with fresh vigour on the part of the Shipowners' Society. It was now fondly hoped that, by agitation, the majority in the House of Commons would diminish in future stages of the Bill, in which case there could be no doubt that the House of Lords would throw it out, and perhaps compel the resignation of Ministers.<sup>1</sup>

On the 23rd March, the motion for going into Committee on the Bill gave Mr. Labouchere an Committee on the Bill. opportunity of withdrawing the "Coasting clauses" he had previously paraded as an important feature of it. The tone and manner of the right honourable gentleman betrayed the humiliation he was doomed

<sup>1</sup> In the 'Shipping Gazette,' March 17, 1849, there is a list of the 51 members of seaport towns in the United Kingdom who voted in favour of the Bill. Mr. Hudson, Sunderland; Mr. Barnard, Greenwich; Lord J. Stuart, Ayr; and Lord J. Chichester, Belfast, were absent.

Coasting  
clauses  
with-  
drawn.

to undergo. He discreetly, however, held his tongue respecting the flat refusal he had received from the United States with respect to their expected reciprocation of the coasting trade, expatiating, instead, at great length, on certain conferences he had had with Sir T. Fremantle, the head of the Board of Customs, the upshot being, that whereas Sir T. Fremantle had previously said that the new proposed regulations regarding the Coasting trade would not endanger the revenue he had now changed his opinion, and, with the officials under him, had come to the conclusion that, if not absolutely impossible, it would be extremely difficult to frame any regulations which should not leave the revenue of the country exposed to great danger if the distinction were done away with between the coasting and general trade of the country—that is, if a foreign or a British ship were allowed to combine a coasting with a foreign voyage.

Mr. Hume saw at once that if the trade were entirely laid open this difficulty would be removed; but, although this was admitted, Mr. Labouchere plausibly answered that to say to an American, “You may come here and carry coals in our coasting trade, but you must not combine that with a foreign voyage,” would be quite illusory. To open the coasting trade in this manner, it was urged, would excite a great deal of unnecessary alarm among the shipping classes; and, so, the coasting clauses were hastily withdrawn. Of course, the refusal of the American Government to reciprocate in the coasting trade did not escape the sagacity of Mr. Herries, who, delighted at the withdrawal of the obnoxious clauses, declared the excuse made about the revenue

to be wholly unsatisfactory ; moreover, that it was made known, unfortunately, just after the communication from the American Government, so long delayed, had been laid on the table, by which it appeared that Government was not, otherwise, prepared to make the proposed concessions on the subject of this trade.

However, in the meantime, Mr. Bouverie, member for Kilmarnock, a Free-trader, had given notice of a long amendment<sup>1</sup> to the first clause of the Bill, which was, substantially, to the effect that the several restrictions and prohibitions contained in the Acts recited in the *1st Clause* (i.e. the old Navigation Laws), with certain exceptions, should continue in full force, till it should be shown that British ships were not subjected in foreign countries to the like restrictions and prohibitions. It might have been supposed that the Shipowners would have consented to such a compromise : but they showed no disposition to accept this proposal. Indeed, their hostility to any alteration mainly led to their ultimate discomfiture. At a meeting of the Central Committee for upholding the principle of the Navigation Laws, it was unanimously resolved, "That the fatal consequences of the repealing Clause, *No. 1*, in the Navigation Law Amendment Bill, would not be removed by the amendment of which Mr. Bouverie had given notice ; and, as they were convinced that this clause would still prove destructive to British navigation, they trusted it would not in any form receive the sanction of friends to the shipping interest in Parliament."

Mr. Bouverie's amendment.

opposed by Ship-owners' Committee.

<sup>1</sup> The Amendment would occupy two pages ; it will be found in 'Hansard,' vol. ciii. p. 1206.

This was, perhaps, the last chance offered to the Shipowners: they, however, relied upon throwing out the Bill, and rejected every offer at modification, or conditional relaxation of the existing law, their aim being to uphold those laws in their integrity.

Mr. Gladstone's scheme

Mr. Gladstone's views, on the other hand, favoured the adoption of conditional legislation, but not exactly in the way proposed by Mr. Bouverie. He proposed to divide the whole trade of the empire into two divisions only: the first of them relating to domestic or British trade; including under that head the trade coastwise and the colonial trade. He proposed to enact a law, not dependent on the discretion of the ministers of the Crown, otherwise than that it would be their business to ascertain when any country was disposed to give Great Britain perfect freedom in its foreign trade, and to provide in such a case that it should receive in return her foreign trade. Whenever any nation would propose perfect freedom in all maritime trade, both foreign and domestic, it would be placed on equal terms with British vessels in all ports, foreign, colonial, and coasting. Mr. Gladstone, however, contemplated a provision for the foreign trade of the colonies by dealing with that trade irrespectively of the conduct of other countries. He suggested the repeal of every direct restraint on the importation of tropical produce—or non-European produce—from Europe, that being a restraint which, according to the actual law, affected British ships as well as those of foreign countries. He was also for the repeal of all fiscal restraints, and of every restraint of the nature of a tax on the British Shipowner. He would have set him free, alike with



respect to the command and the manning of his ship; he would also have allowed a drawback on the timber used in the construction of ships.

Such were Mr. Gladstone's views, which he was sanguine enough to imagine would have been acceptable to the shipping interests, had he proposed a scheme embodying his opinions, and invited the Legislature to make the necessary fiscal alterations. But when Mr. Gladstone saw that both the Government and Shipowners rejected Mr. Bouverie's proposal, a form as it unquestionably was of conditional legislation, he relinquished his intention of bringing his plan before the House, as it had in fact no chance of being accepted by either party.

Such was the temper of all parties when the Bill went into committee on the 23rd March, 1849; Mr. Herries, before the Speaker left the chair, having intimated his intention of opposing the Bill during all its stages, believing that it could not be rendered a good Bill, whatever alterations might be made in it.

Upon going into committee, Mr. Bouverie brought forward his amendment. He disclaimed any desire to defeat the measure, which he had supported by his vote, still less did he hanker after Protection, for it was strictly in the sense of Free-trade that he proposed it. He only differed with Ministers as to the mode by which the changes proposed should be effected. They had entered into reciprocal relations with almost every other maritime nation. The United States had a complete system of reciprocity: it was the foundation of their navigation system, and it was an example it would be well to follow. The clause he proposed would supersede the necessity of tedious

and vexatious negotiations. Out of a score of reciprocity treaties to which England was a party, there were only four which contained the "favoured-nation" clause; and it was idle to expect that, through the instrumentality of any such compacts, genuine or extensively reciprocal advantages could be established as between England and the other nations of the world. It might be difficult, if not wholly impracticable, to realise the principle of reciprocity in the case of tariffs, but it was not so difficult to apply the principle to shipping. Nothing was so easy as to say, we will relax our Navigation Laws, and make certain arrangements with respect to our shipping interests, on the express condition that other countries will adopt similar arrangements and similar relaxations in our regard.

Questions  
of reci-  
procity,  
condition-  
al legisla-  
tion, and  
retalia-  
tion.

If these views were unsatisfactory to the Ship-owners, it is certain they were still more so to the extreme Free-trade party. The question had now resolved itself into the expediency of reciprocity, conditional legislation, and retaliation. The extreme Free-traders demanded liberty of navigation without any legislative restriction whatever, and the plan of Government conferring a power of retaliation, though one little likely to be resorted to, was of course the plan least objectionable to the Free-traders. They contended that the Bill as it stood enabled the country to receive concessions from foreign countries by making concessions to them; but, if Mr. Bouverie's motion was carried, they asserted that, retaining in our hands the power of retaliation, we should be compelled to resort to such measures whenever equality was disturbed.

Both parties in truth exaggerated the difficulties of their opponent's scheme, being attached to their own. The real question at issue was, which country should take the initiative in a Free-trade policy. Mr. Wilson, as an extreme Free-trader, insisted that the law of America sanctioned reciprocity on their part, without having recourse to Congress, which the members of the Shipowners' Society controverted. There can be no doubt that the American Law of 1828 did so authorize the President to reciprocate any relaxation of the Navigation Laws we might on our part resolve on. But when Mr. Buchanan had so recently reserved the American coasting trade, repudiating the unauthorized pledge previously given by the American envoy, and had further frankly stated to Mr. Crampton,<sup>1</sup> that "it was probable some difference of opinion would manifest itself in Congress upon this question, from the unwillingness felt in some quarters to throw open the ship-building business in the United States to the competition of British shipbuilders, and more particularly to that of the shipbuilders of the British North American colonies;" we might have been quite sure that Congress would, if necessary, interfere, and, by some special law, annul the liberal principle of the American Law of 1828.

Details of  
American  
law.

Mr. Wilson and the Free-traders, affecting to be better informed on the state of American law than the Shipowners, went into the opposite extreme, and expressed their entire confidence in the complete reciprocity of the Americans; asserting further, that without going to Congress, the Executive could

<sup>1</sup> *Vide* Letter of Mr. Crampton, 18th February, already referred to.

extend to every country similar concessions as were extended to them. Such was the impression on both the contending parties. As to Mr. Bouverie's amendment, though it, in some degree, resembled Mr. Gladstone's views, that gentleman complained "that his scheme had been withered by an unkind shadow cast over it by the member for Kilmarnock," at the same time, refusing to discuss a plan not dissimilar to his own, and adhering to his opinion, that, as foreign countries were in the habit of adopting measures to meet their own wants, England ought to be allowed to do the same, but only on the principle of reciprocity.

Mr. Bouverie's plan rejected.

It is unnecessary to pursue this point any further. A long debate ensued on it, in which Mr. Milner Gibson and Mr. Bright delivered, with their usual force, their extreme, but then unpalatable, Free-trade opinions, while Mr. Roundell Palmer opposed any change hostile to the principles of the Navigation Laws. It appeared from the general feeling of the committee, that Mr. Bouverie's amendment had not the slightest chance of being adopted, and he was desirous of withdrawing it. Mr. Wawn, however, insisted upon a division; and when a division was taken, only fifteen members voted in favour of Mr. Bouverie's scheme of conditional legislation, while 132 voted against it.

Mr. Disraeli's speech.

Various other divisions took place on the consideration of the Bill in committee, and numerous important alterations were then made, so that only eighteen clauses were carried up to the sitting of the 23rd March. On the motion to report progress, Mr. Disraeli protested against the whole Bill, which, by



the withdrawal of ten clauses and the modification of four more, had received that night a serious check. He compared the proceedings to those during the French Revolution, on the day when the nobles and prelates vied with each other in throwing mitres and coronets to the dust as useless appendages. That day was still called "the day of dupes;" and, remarked Mr. Disraeli, "the same appellation might be applied when referring to the events of that evening. We have had," he continued, "two years of protracted legislation against the Shipowners of England." The course Ministers had pursued during those two years formed no exception to the rash policy which had characterised their proceedings with regard to the agricultural and colonial interests. "Have your deliberations been graver or more thoughtful? This" (holding up the Bill), "this," exclaimed Mr. Disraeli, "is my answer. Ministers acting in this manner," he continued, "did more than injure and destroy the material interests of the nation; they laid the foundation of a stock of political discontent, which would not merely diminish the revenues of the kingdom and the fortunes of its subjects, but would shake the institutions of the country to its centre." After Mr. Gladstone and Mr. Labouchere had spoken in reply, the committee reported progress.

When the committee resumed its sittings on the 26th March, the Retaliatory Clause (19) became a subject of discussion. The several leaders again delivered their opinions on this much-controverted point, the Free-traders wishing to omit the clause altogether; while Mr. G. Sanders intimated an in-

tention of making the Bill operate for a limited term, so as to ascertain whether Foreign Powers would reciprocate or not. The clause, however, was finally carried without a division; but Clause 22, enabling the Queen to reduce the differential duties in certain cases, opened the wide question of dock dues and light dues, in which public and private rights were so confusedly intermingled that it was ultimately withdrawn. The remaining clauses passed with some opposition, the preamble, however, being agreed to. Thus this celebrated Bill now assumed a formal shape; but its opponents, conscious of their power in the House of Lords, gave notice of a last trial of strength upon the third reading.

On the 19th April, Captain Harris made an ineffectual attempt to carry a clause, on the consideration of the Report, enforcing the apprenticeship laws, and Mr. Gladstone obtained a modification of the Bill with regard to the mode of finally adjusting the intercolonial trade by the colonial legislatures.

Third  
reading of  
Bill.

During the Easter recess, meetings of the shipping interests had been held in various outports, and the whole power of the Shipowners had been put forth to defeat the Bill. On the 23rd April the Bill stood for the third reading, and the venerable Mr. Herries once more headed the party of Anti-Repealers to make a last effort in the House of Commons to reject the Bill. His speech was well prepared, and suitable to the occasion. He very briefly alluded to the points already decided, but dwelt with great force on the Bancroft letter, asserting that nothing had passed relative to the United States, which ought for a moment to weigh with Parliament, in changing its

determination to maintain the Navigation Laws. <sup>Mr. Herries' speech.</sup> "Let English commerce now speak!" he exclaimed. "Look at the petitions against the Bill, comprising the greatest names in the City.<sup>1</sup> In Liverpool 47,000 persons had signed petitions against the Bill; and among these were 1000 mercantile firms of great note and respectability. This was without precedent in the history of petitions; whilst a counter-petition contained but 1400 names, among which were not found 100 trading firms." Mr. Herries denied that the subject had any necessary connection with Free-trade. The experiment might be continued, and yet, with perfect consistency, while abstaining from any interference with the main structure and fundamental principles of the Navigation Laws. These laws had always, he alleged, been considered an exception to the general laws affecting trade. After an elaborate speech, Mr. Herries concluded by moving that the Bill be read a third time that day six months. Alderman Thompson seconded the amendment.

A very animated discussion ensued. Mr. Robin- <sup>Mr. Robinson.</sup> son went over the old topics, and said that the new republican Government of France had advertised for the importation of 38,000 tons of coals into France, one of the conditions being that they should be imported exclusively in French vessels. So much for the Navigation Laws of France. The National Assembly had also introduced another measure by which the

<sup>1</sup> At the head of the London petition were the names of Thomas Baring; Charles Baring Young; Fred. Huth and Co.; Ransom, Norton, and Co.; Palmer, McKillop, and Co.; H. Davidson; Masterman, Peters, and Co.; Spooner, Atwood, and Co.; Fletcher, Alexander, and Co.; Bosanquet and Co., &c.

importation of salt in French vessels subjected to a duty only of 75c., while that imported in British vessels was required to pay a duty of 2*l.* 75c. So much for Free-trade with France. He trusted the majority in favour of the ministry would be so small as to induce the Government to pause in their career.

Mr. Macgregor, in a very long speech, supported the Bill, though he wished it had been a more complete measure.

Mr. Wal-  
pole.

He was followed by Mr. Walpole against the Bill, who quoted the Venetian proverb,<sup>1</sup> and said—"Let us first be Englishmen, and then economists." He considered the Navigation Law the wisest of our regulations. It had given us safety and independence at home; it had afforded security to our colonies abroad; it had protected our trade in every part of the world, and it would protect it, if the laws were not repealed, against all chances of war; and, while it had done this effectually and completely, it had also preserved for them the supremacy on the ocean, by which more than once they had been able to bid defiance to the whole world, when our honour and interests were assailed. Mr. Walpole concluded by borrowing the splendid peroration of Mr. Disraeli in that gentleman's speech at the second reading.

Sir James  
Graham.

Sir James Graham next rose, and, differing much on some points from the supporters of the Bill, intimated, in an exhaustive speech, his intention of voting for the third reading. Pointing to Sir Francis T. Baring, who sat on the Treasury Bench as First Lord of the Admiralty, the head of the house of Baring, he expressed his disbelief that

<sup>1</sup> "Let us be first Venetians, and then Christians."



he would be an assenting party to a measure which, in his conscience, he felt would be injurious to the character and welfare of that commercial navy, to which he and his family for generations had been so much indebted, or that he would give the weight of his influence to a measure which, in his judgment, risked the power and greatness of the Royal Navy, more especially confided by her Majesty to his care. Liverpool had been mentioned. Why, the two members for Liverpool have voted for the Bill.<sup>1</sup> So also did the two members for Newcastle and Glasgow.

Sir James Graham added, that, however valuable reciprocity might have been, when Mr. Huskisson considered the question in the abstract, he, Sir James, was not much attached to it now. It might have been wise and politic at the time; but he could not help thinking that it made the interest of others the measure of our interest, he had almost said it made the folly of others the limit of our wisdom. With respect to reciprocity and to retaliation, which is reciprocity in another shape, as a general rule he would rather leave the Navigation Laws as they were than adopt that principle. What is retaliation? he asked. It is this: because some foreign nation does that which is more injurious to herself than it is to ourselves, we, in the spirit of blind, vindictive passion, proceed to do that which is more injurious to ourselves than to our rivals. To reciprocity and to retaliation, as a rule, Sir James was opposed; but he supported the Bill, on the whole, because without

<sup>1</sup> Yes! But they lost their seats by it.

having recourse to either the one or the other, and considering the character of the people of this country, their capital, their undaunted courage, and the advantages they possessed in the race they had already run, he was satisfied that any measure throwing open the trade of the world would greatly increase commerce, and that the lion's share of the addition would fall to our lot. Every reason, he argued, existing, in the days of Mr. Huskisson, for the relaxation of the system existed in a yet stronger degree at the present moment; and, quoting the expression employed by Lord Stanley, *Vestigia nulla retrorsum*,<sup>1</sup> as applicable to the recent Free-trade policy, he concluded a highly elaborate speech by remarking that Protection or no Protection was the question at issue; and, as the present measure would crown the work they had already accomplished, he was opposed to reaction, and favourable to progress tempered by prudence and discretion. Upon these grounds he supported the third reading.

Mr. T.  
Baring.

Mr. Thomas Baring avowed his opinion that, as a general principle, restriction must be an injury to trade. If the whole community were to be regarded as a community of merchants, certainly it was desirable to allow the importers to get their wants supplied, and ship their goods where and whence they pleased. If we were, like the inhabitants of the Hanseatic Towns, mere receivers and distributors, then we might say, let every other consideration be disregarded. But the real grievances of the merchants might fairly be taken from their representations, and, if they had sustained such grievances as had been

<sup>1</sup> Literally, "You can't retrace your steps."

represented, surely they would not have been either indifferent or adverse to the removal of those laws. If he understood the Bill rightly, it was framed on the principle of removing all restrictions on foreigners, and of maintaining restrictions on Englishmen. Let the House mark, he said, that Government which, after great research and trouble in obtaining information, had told us that there was an inferiority on the part of our captains and sailors, now told the Shipowners that they were to compete with those, who had the power of employing better workmen. The only facility given by the Bill to Shipowners was the privilege of building ships abroad; on this he would make one remark, that every person knew the difficulty of recovering a manufacture once lost.

With respect to conditional legislation, suggested by Mr. Gladstone, public opinion was divided on it in the United States. Sweden, in such a case, had nothing to give. Holland could only give one-third, as the Dutch Commercial Company carried on the other two-thirds of the Dutch trade by contract in Dutch vessels. As regards the United States, he was satisfied Mr. Bancroft did not intend to practise a deception. The navigation of the United States offered advantages which might be of account; yet there the favoured-nation clause came in to create difficulties, and it might be that we would feel compelled to abandon the Navigation Laws with respect to those States, or relinquish the advantages which were offered prospectively. We ought to adhere to the main principles of the Navigation Laws in all instances, and make such concessions to

each country as our interests might dictate as expedient. The principles of Free-trade ought to be applied to each measure under discussion, according as our particular interests were affected thereby. Sir James Graham had put the question as one decisive between retreat and progress. Reaction was as much to be feared as a rash progress, for reaction might be fraught with suffering to the people, as dangerous to the interests of the country as the proposed change was ominous of evil.

Lord J.  
Russell.

Lord John Russell as Chief Minister of the Crown wound up the debate on his side. He was aware that the law had been almost worshipped as the *charta maritima* of this country, and that, much of our prosperity and commerce having been attributed to this law, it had been thought profanation to alter it. He thought this was an opinion founded in error, and that, at no time, had this law been essentially advantageous to this country. He then went over the history of the Navigation Laws, quoting authors of various times who wrote of the fluctuations in trade and public policy, and having reviewed the several points of the question, came to the conclusion that with respect to the greater part of the nations of Europe and of the world, we would obtain fair and equal terms of navigation, provided we were ready to give the same terms to them. He went farther; he boldly said that nobody could doubt that in the case of the United States of America, or in those of Prussia, Russia, or Austria, the fullest reciprocity would be conceded. The nations which would not give equal terms were, at the most, only



three or four—France, Spain, and Belgium, and perhaps one other.

Mr. Disraeli assumed the privilege of the last word, and, in reply, quoted the last report of the Shipowners' Society, which has been already given, intimating their readiness to discuss the policy of amending the Navigation Laws on all points not involving fundamental principles. He next took a rapid review of the effects of repeal on the Australian and other colonies, arguing that, if Canada had not a Protective duty on corn restored to it, as demanded by the Legislative Assembly, Canada would be lost to the British Crown. "Woe to those statesmen and to the policy which plucked this jewel from the Crown of England! No shuffling change in the Navigation Law could compensate the people of Canada for what they had lost, and which they felt so acutely." Mr. Disraeli then referred to the papers from foreign Powers, arguing that they were valueless, and, especially, that everything respecting the United States was a *tabula rasa*, all that we had heard last year having been obliterated as an element of consideration. The last division on this famous Bill now took place upon the third reading, when the Ayes were 275; Noes, 214; Majority, 61.

Mr. Disraeli.

Majority  
for Bill,  
61.

## CHAPTER X.

Debate in the Lords, May 7, 1849, on second reading—Speech of the Marquess of Lansdowne—Lord Brougham—Condemnation of Mr. Porter's statistics—Protected and unprotected Trade—Voyages to the continent—Napoleon's desire for ships, colonies, and commerce—Earl Granville—Earl of Ellenborough—Increase of foreign peace establishments—Earl of Harrowby—Earl Grey—Lord Stanley.—Admits need of modifications—Canada not our only colony—Majority for the Bill, 10—Duke of Wellington votes for it—Proceedings and debate in Committee—Lord Stanley's amendment—Rejected by 13—Earl of Ellenborough's amendment—Claims of Shipowners, and fear of competition—Amendment rejected by a majority of 12—Bill read a third time—Timber duties, &c., admitted to be grievances—Lord Stanley's protest—Royal assent given, June 26—Coasting trade thrown open, 1854—Americans, October 1849, throw open all; except their coasting trade.

Debate in  
the Lords,  
7th May,  
1849, on  
the second  
reading.

ALTHOUGH the majority in favour of the Bill had slightly increased since the division had been taken on the second reading in the House of Commons, the Shipowners were not discouraged, believing it would be thrown out by the Lords. They knew that the ministry had staked their reputation upon it, and that the fate of the Government depended on the result, but they confidently believed that the Upper House would reject "so pernicious a measure." The Bill was at once carried up to the Lords, and read a first time on Tuesday, 24th April; and on Monday, 7th May, the Marquess of Lansdowne moved the second read-

ing in a long and elaborate speech. He contended that the origin of the Navigation Laws during the Protectorate of Cromwell did not arise so much from a commercial or political want as from a desire to punish the Dutch for their loyal support to Charles I.<sup>1</sup> He admitted, however, that there were then good grounds for trying the experiment how far the national arm could be strengthened by restriction, and how far the naval force of the country could be thus increased. The noble Marquess next traced at length the changes contemplated by Mr. Pitt, and the incidents of the war with Napoleon, contending that the law, by successive changes, had ceased to be a suit of impenetrable armour, and was now only an imperfect garment of shreds and patches, manufactured out of parchments from statute books. He, further, showed the increase of our shipping since the relaxation of the shipping laws, maintaining that the dread of foreign competition was altogether irrational, and demonstrating, by statistics, the large share of the American direct and carrying trade we had already secured in open competition with American ships hence, and with foreign ships from their own ports to American shores; while we were, at the same time, able to bear off the chief share of the Russian trade from the Baltic ships even within the heart of their own country. He briefly referred to the colonial bearing of the question, and said that the West Indies were subject to great troubles, and

Speech  
of the  
Marquess  
of Lans-  
downe.

<sup>1</sup> A much more likely reason has been already assigned for English hostility to the Dutch in and about 1652; and that is, their perceiving that the Dutch were gradually engrossing all the foreign trade, especially that on the other side the line.

Canada engaged in a difficult competition with the United States, the whole trade of the St. Lawrence depending on the repeal of that part of the Navigation Laws still in operation, the complete opening of that river alone, he thought, being sufficient to enable her to retain the trade now fast passing through the United States. The Marquess quoted Bonaparte, whose aim, when at the summit of his power, had been to obtain ships, colonies, and commerce. Bonaparte conquered one-half of Europe; the other half he seduced or entrapped into negotiations. He could create monopolies everywhere, and did so unscrupulously; but the genius of English commerce overcame those monopolies. Ships he could not get; colonies he could not acquire; commerce he could not establish; and was this, he asked, a consequence of the British Navigation Laws? No; it was British commerce and enterprise, which, in spite of restrictions in all parts of the world, secured a footing; and, in spite of edicts enforced by a million of bayonets, was established and conducted successfully. The Marquess then explained that the Administration depended upon this question, and were prepared for all the consequences of a hostile vote.

Lord  
Brougham

To the astonishment of the country, Lord Brougham, in one of the ablest, or at least the most rhetorical speeches<sup>1</sup> he perhaps ever delivered even in his best days, opposed the second reading of the Bill. His Lordship had supported the other great measures of Free-trade, and now did not escape the charge of

<sup>1</sup> The speech was published by Ridgway. Our space allows but a brief epitome of it.



inconsistency, which he most eloquently denied. "I will only say," he exclaimed, "that I glory in what forms the subject matter of this taunt. I glory in having obtained those immortal victories over antiquated error; in having made to triumph the soundest principles of political philosophy, sweeping away the groundless prejudices by which its progress was obstructed heretofore. But if there is one passage of my political life dearer than another to my remembrance, and any drop in the cup of exultation more particularly sweet to my palate, it is the recollection of those worthy, eminent persons, leaders of the revilers, the distinguished statesmen whose support I enjoyed after passing a long life in opposition to them on this very question, and who crowned themselves with honour by abandoning their own errors in vindicating the truth. But it is not now with them as with me. I make no change in my opinions." The noble Lord then plunged into the Orders of Council<sup>1</sup> during the war, in the discussion of which he took such a conspicuous part.

In speaking of the tables from the Board of Trade and Customs, he said a lively impression prevailed on all sides, that they could prove anything and everything. Indeed, it had been remarked, give me half an hour, and the run of the multiplication table, and I'll engage to pay off the National Debt. In statistics it is easy to add a little here, and subtract a little there, quietly to slip in a figure—it may be a cypher among your data—slily to make what seems a reason-

Condemnation of Mr. Porter's statistics.

<sup>1</sup> I have referred to these in numberless places in the second volume of this work.

able postulate in your premises, but which turns out to be a begging of the question ; and, behold, you gain your point and triumph ; until, it is found that your adversary, having access to the same stores of arithmetic, proves his case, and refutes yours, with the same facility. Such are statistics when severed from sound principle and plain reasoning. But how little are these to be relied on when prepared by those in the employ of one party ? To trust oneself among such details would be perilous in the extreme. " My noble friend has fared forth into the labyrinth with such bad success, that his fate seems to warn me how I venture to follow his perilous course. But there remains to deter me, like a beacon on the same coast, the sad wreck of another adventurer, the good ship *Board of Trade*, G. R. Porter, Master, cast away on the shoals of these faithless waters." The noble Lord then assailed Mr. Porter with the whole force of his sarcasm. He said : " Mr. Porter, showing the comparative progress of English and American tonnage, takes the whole of one part and only part of the other, and thus makes out the result which suits his argument. Lord Hardwicke, the chairman, put this question to the witness, after stating the entire difference of the two returns, the difference being total in one case and partial in the other. ' Then, consequently, these returns are not to be taken compared together, as showing in any degree the comparative value of British and American tonnage ? ' Mark the answer of the hapless Mr. Porter. ' Certainly not. ' " The noble Lord then went on tearing, in the opinion of the opponents of the Bill, Mr. Porter's evidence to shreds. " I am reminded,"

said his Lordship, "of the cooking of the returns. But here we had called up the chief cook to examine him. We asked, 'Is this dish pure?' 'Not at all,' he answered. 'Is it nutritive?' 'Nothing of the kind.' 'Is it safe and wholesome to eat?' 'Certainly not?' 'Have you any means of correcting its poison by an antidote?' 'I am not sure; I rather think I have; but I am not certain.'" The noble Lord then referred to the reciprocity treaties; the fact being that these treaties were all respecting differential duties; all of them were grounded on the comparatively sound principle of only relaxing our monopoly in favour of those States who agreed to give us the *quid pro quo*; whereas the present scheme was to give the *quid* without the *quo*; to sweep away all restriction at once with every country before we secured an equivalent from any one; and so far from proportioning our sacrifice to our gain, to sacrifice everything before we gained anything.

"On the statistics of the protected and unprotected trades," continued his Lordship, "it is, that the greatest errors have been committed. It was among these shoals that Mr. Porter had left a wreck, as a beacon to warn us how we follow his course. He, no doubt, had steered to the best of his ability, and quite unconsciously had been cast away; but, that he acted under the bias of a strong prejudice in favour of his ally and relative, the author of the present Bill, is very much to be suspected, for we all know that the Bill is really Mr. Ricardo's, who, in 1847, moved the Committee on the Navigation Laws, the Government being

Protected  
and un-  
protected  
trade.

afterwards pushed on by their supporters, impatient at seeing them hold their places and do nothing." After dissecting these tables with a ruthless hand, Lord Brougham asked how any rational man could place reliance upon tables thus framed, and thus abounding on their face with errors the most fatal. Their great concoctor is asked about these errors, and he cannot deny them, so he says the heading of the return is wrong, and that instead of "unprotected," it should have been "less protected." Indeed! But that is just giving up the whole value of the table, and making it utterly useless—utterly unfit to be the ground of any inference whatever—utterly foreign to the present question. For, observe, we can understand what is meant by a trade unprotected by the Navigation Laws, and compare it with one that is protected; but a trade "less protected," how is that to be defined? Less protected than what? What does this tell us? What makes more, what less? How can we compare them together? All depends upon how much more and how much less, and this Mr. Porter does not affect to show.

Voyages  
to the  
continent.

"But," exclaimed his Lordship, "this is not the worst of it by a great deal!" He then sifted the whole returns about the voyages to the continent, to which I have already referred. "My Lords, I will readily give a large licence for exaggeration to that lively class of persons who contribute to our amusement by their powers of imagination, drawing upon their fancy for their facts, and on their memory for their jests. To these men I render all grateful homage, as among the gayest of our sad species; so far as four-



fold, or even tenfold, I am willing to extend my licence. But what shall we say of a hundredfold, nay, a hundred-and-fiftyfold, and that, not by the lively wit, but by the plodding dealer in returns, tables, and trade and shipping statistics. I must really send them away to bury themselves and their errors in the recesses of the trade department, and no longer hope to obtain any faith here. I have done with such food, such dry food even when it is honestly prepared and fairly served up."

Lord Brougham then entered fully into the merits of the general question, calling upon their Lordships not to part rashly with what had been called the miserable remnants, the fragments of a worn-out system. "Fragments, indeed! They are of gigantic size; they are the splendid remains of a mighty system; they are the pillars of our navy; the props of our maritime defence." He showed that there remained the almost entire monopoly of our home trade, and the perfectly rigorous monopoly of our colonial trade, employing above a million and a half of shipping, and 20,000 seamen, with a capital that gave export and import to between fifteen and sixteen millions sterling in the year. He further insisted that the restrictions affecting Canada could be easily removed without unsettling our whole policy.

The policy of the Navigation Laws rested, in his opinion, on the position that, without such a partial monopoly as they gave to British shipping, we never could maintain a sufficiently ample nursery for our navy, an object of primary importance to every insular empire, and, therefore, to be sought at a

considerable sacrifice of the wealth unfettered commerce might more rapidly accumulate.

Napoleon's desire for ships, colonies, and commerce.

The Emperor Napoleon I. has been cited as having wished "for ships, colonies, and commerce." The quotation is not quite accurate.<sup>1</sup> He inveighed against "the ships, colonies, and commerce of England," and mentioned these as the object of his hostility; whence Mr. Pitt, at a Guildhall festival, gave as a retaliatory toast, "the ships, colonies, and commerce of England," a retort which derived its point from the French Emperor's hostility against these special objects. Lord Brougham, in his splendid declamatory style, showed how Napoleon must have wished in vain—for we had swept the seas of his navy, captured all his colours—because we had created our own marine, which, he argued, owed its existence entirely to the encouragement the Navigation Laws gave to ship-building, and the facilities lent by the same laws to the manning our fleets, which that encouragement had created. For nearly two hundred years, he continued, we had abided by that policy; and holding steadily our course, neither swerving to the right nor to the left, never abandoning it, only adapting it to varying events which have altered the distribution of dominion in other regions, we have upheld the system which has made our navy the envy of our rivals, the terror of our enemies, and the admiration of the world. "Are you," exclaimed his Lordship, with one of those bursts of ready eloquence for which he was so conspicuous

<sup>1</sup> The particular quotation may not be strictly exact; but the ambition of Napoleon to possess ships, colonies, and commerce, cannot be for a moment doubted after the able exposition of M. Thiers.

in debate, "prepared to abandon a system to which you owe so precious a possession, not only the foundation of your glory, the bulwark of your strength, but the protection of your very existence as a nation?"

"The Bill," continued Lord Brougham, "contained the seeds of fresh agitation and new demand." The coasting trade, as well as the manning clauses, "would excite new agitation by other Ricardos and other Cobdens." In framing his judgment on this great question he had listened but to one voice, the voice of public duty, sinking all party, all personal considerations. He did not on any account, personal or public, desire any change in the government. But he was prepared to encounter that, rather than see the highest interests of the empire exposed to ruin. This measure he could not bear, because our national defence could not bear it. To sweeten the bitter cup which it would fill, we are told, and he firmly believed it, that it would encourage slavery and stimulate the infernal slave-trade; since, whatever cheapened navigation between this country and the mart for slave-grown sugar—whatever lets in the Americans, the Swedes, the Danes, the Dutch, to bring over the sugars of Cuba and the Brazils—must of necessity increase the African slave-trade, by which the increase of those sugars was promoted. "When this new ingredient is poured into the chalice commended to my lips to-night I can no longer hesitate, even if I felt doubts before. All lesser considerations of party policy or Parliamentary tactics at once give way; and I have a question before me on which I cannot pause or falter, or treat or compromise; and, regard-

less of the comfort in any quarter, careless with what arrangements of any individuals my voice may interfere, I know my duty, and will perform it: as an honest man, an Englishman, a Peer of Parliament, I will lift that voice to resist the further progress of the Bill."

Earl  
Granville.

Earl Granville, in replying to Lord Brougham's speech, defended Mr. Porter, and especially his statistics; but, as the reasons he and his party gave in support of the measure have in a great degree been confirmed by events, and by the success of the change they then so boldly advocated, it is more desirable to record at greater length the opinions of the opponents to the Bill. From these a lesson may be taught to other nations, which still cling to a policy in favour of which no more powerful arguments could be adduced than those urged by some of the ablest men of the period, arguments, however, which experience has shown, in almost every instance, to have been fallacious.

Earl of  
Ellen-  
borough.

Lord Ellenborough<sup>1</sup> was unwilling, under existing circumstances, to diminish our marine by one ship, or our seamen by one man, and this Bill would tend to undermine the strength of our navy, both in ships and men. He contended that, as there had been a much larger increase in the British tonnage employed in the trade with the British North American colonies than in that of all the rest of the trade with America, fragmentary as the system might be, it evidently produced the effect it was intended to produce, the maintenance and increase of British navigation, and, therein, the security of this country. The noble Lord

<sup>1</sup> This speech was also published by Ridgway.



then drew a picture of our colonial empire, and pointed out the great and increasing demand on our naval resources for purpose of defence. He next directed attention to the well-appointed navy of the United States, of Russia, France, Austria, Naples, and other Continental Powers; and said we should do wrong if we did not consider the present state of the navies of foreign Powers in conjunction with the changes which have taken place in their military position. The military peace establishments of foreign Powers were now equal to their war establishments of former times; while the substitution of railways in the place of ordinary roads will enable States to bring a preponderating force, suddenly, from the most distant quarters to the port of embarkation, and then they will find "a steam bridge" from the continent to these islands.

Increase of  
foreign  
peace  
establish-  
ments.

Lord Harrowby, in an exhaustive speech, argued that wherever the "interests of commerce and navigation were at variance" those of navigation must predominate, as essential to the defence and security of the empire; but his Lordship, and all other speakers, entirely failed to prove that they ever were at variance. Nor can they be so. They rise and fall with each other; and are essentially one and the same. Indeed, if closely scrutinised, they will be found to have no antagonistic principles; and further, that whatever antagonism existed was caused by the operation of the Navigation Laws. Lord Grey, who followed Lord Harrowby, clearly showed that while these laws were of no advantage to the Shipowner, they were, from their practical working, serious drawbacks to his success,

Earl Grey.

and that, instead of affording him any real protection, they were detrimental to his best interests. He further showed that the Navigation Laws were unfavourable to the development of the warehousing system; and, afterwards, dwelt at great length on the colonial part of the question and on the claims of Canada; asserting, also, that we could only perpetuate the connection between the mother-country and the North American colonies by engaging the confidence and participating in the affections of their people. The Navigation Laws were, he remarked, among the proximate causes of the revolutionary struggle which had ended in the independence of the United States. He concluded with an impressive appeal to the House not to peril the interests of the country by rejecting the Bill.

Lord  
Stanley.

Lord Stanley,<sup>1</sup> on the second night of the debate, rose at a quarter-past one o'clock, to answer Earl Grey, then Colonial Minister. After alluding to the recent Free-trade policy, with which this question was not connected, his Lordship asked whether they were prepared to abolish a system which, for two centuries at least, had formed the basis of our national greatness and the foundation of our naval strength. He had no objection to the modifications the Navigation Laws had undergone, nor might he object to some further modifications now. But it was not on the modification of these laws that the House had now to decide, but upon the momentous question of their entire abolition. Were they prepared for such

Admits  
need of  
modifica-  
tions.

<sup>1</sup> The late (1875) Earl of Derby had been called up to the House of Peers during his father's life, and sat as Lord Stanley. His speech was also published by Ridgway.

a step, when it was admitted that, if taken, it must be irrevocable? Earl Grey, he said, treated the Navigation Laws as disadvantageous to the mercantile interests of the country. The merchants had not made this discovery, but the Queen's Government had made it for them. The whole case, as based on its assumed benefits to the commercial marine, therefore fell to the ground; and the objection to the Bill, founded on its injurious tendency, so far as the navy was concerned, remained unchallenged and unrefuted.

In Canada, as in all other colonies, the withdrawal of Protection was regarded as a great grievance, hence the repeal of the Navigation Laws was demanded by them only as a consequence of that event. But our North American colonies were not confined to Canada. The shipbuilding colonies of Nova Scotia and New Brunswick were opposed to repeal. The exceptional case of Canada might be met without entirely abrogating these laws. Having severely condemned Lord Palmerston for his circular, Lord Stanley then endeavoured to show that the warehousing system owed its origin to existing prohibitions, and that its increase or permanence depended upon their maintenance. He strongly objected to the proposal of admitting a foreign-built ship to British registry. It was essential, he maintained, to keep up the number and efficiency of our private building-yards, which would speedily decrease in number were such a proposal adopted. The question, indeed, could not be decided by one vote. The British merchants, the British Shipowners, the British seamen, and the British mechanics would not be satis-

Canada  
not our  
only  
colony.

Majority  
for Bill,  
10.

fied with a Bill passed by a bare majority of the House, under pressure never heard of before, and with menaces such as had been thrown out. The people of this country will never know when they are beaten. The Marquess of Lansdowne having replied, repelling in indignant language the charge of having used menaces, the House went to a division at half-past four o'clock on the morning of the 10th May, on the question that "now" stand part of the motion. There appeared, Contents, present, 105; Proxies, 68; Total, 173: Non-contents, present, 119; Proxies, 44: Total, 163: Majority, 10!

Duke of  
Wellington  
votes  
for it.

This division was regarded at the time as of great political importance. Much uncertainty and speculation had before prevailed as to the relative state of parties upon the question in the House of Lords, and the fate of the Administration was generally supposed to depend on the decision as to the second reading of the Bill. The Shipowners were in the highest degree exasperated that they should be defeated by that which they called a pocket majority of proxies, as they had actually a majority of the Peers present adverse to the Bill. Perhaps that which occasioned the deepest mortification to them was that the Duke of Wellington, who had recently called attention to the state of the national defences, voted with the majority. With so narrow a majority as ten against them, the Shipowners resolved to make fresh efforts to obtain another division in committee, when, as proxies could not be accepted, it was anticipated that the obnoxious measure would be so altered, as to deprive it of its most objectionable features.



Accordingly Lord Stanley on the 18th May gave notice that he intended to propose the rejection of all the repealing clauses, *i.e.* the first and second, and, in point of fact, make the principle of the Bill one of conditional legislation. He proposed, farther, to enable British ships to bring the produce of Asia, Africa, and America indirectly, and to modify in the same spirit the clauses relating to the European trade. It should be remarked that the alarming news of an extensive rebellion in Canada had reached England since the day of the second reading, and a growing desire was felt that this great question of repeal should be finally settled one way or the other.

In committee on the Bill (21st May), Lord Stanley brought forward his amendment, Lord Wharncliffe having given notice of one of the same or nearly similar tendency. The object of Lord Wharncliffe's<sup>1</sup> amendment was that, until her Majesty should be fully satisfied that foreign countries would grant full reciprocity and commerce to this country, her Majesty should have no power to abrogate or repeal the Navigation Laws, so far as they affected the ships and commerce of those countries. Lord Stanley's aimed at the same object. His Lordship said the distinction between his measure and that of the Government assumed this shape. Should we proceed to repeal, and then to re-enact a small portion, yet a portion, of the Navigation Laws which was the most burdensome to the British owner and the least advantageous to British commerce? or should the repeal be made conditional, by an enabling clause which conferred on the Queen the requisite power,

Proceedings and debate in committee.

Lord Stanley's amendment.

<sup>1</sup> It occupies a whole column of 'Hansard.'

when satisfied that reciprocity was accorded to us?

The question gave rise to a very long and animated discussion, in which Earl Grey, the Earl of Harrowby, Earl Granville, Lord Colchester, the Marquess of Clanricarde, Lord Brougham, Lord Fitzwilliam, and the Marquess of Lansdowne took part; Lord Wharncliffe severing himself from Lord Stanley, and, in fact, voting against his amendment. The division which terminated this discussion was decisive of the fate of the Bill. On the question of Lord Stanley's amendment there appeared, Contents, 103; Non-contents, 116: Majority against the amendment, 13! As no proxies in this division influenced the result, Lord Stanley at once withdrew all opposition to the repeal of the 8 & 9 Vict. cap. 88, which he only wished amended.

Rejected  
by 13.

Earl of  
Ellen-  
borough's  
amend-  
ment.

The Committee of the Lords sat again on the 24th May, when Lord Ellenborough moved an amendment that instead of the Bill coming into operation on the 1st January, 1850, it should come into operation on the 1st January, 1851. This amendment was in accordance with the prayer of a petition from the General Shipowners' Society, urging various reasons for delay. It was admitted, his Lordship said, that one of the chief objects of the measure was to diminish the rates of freight; and it was contended that the greater the competition between the shipping of foreign States and the shipping of this country the greater would be the diminution of the rate of freight generally; but, added his Lordship, British Shipowners have not the means of diminishing their expenditure at once, so as to

enable them to compete with foreign shipowners upon equal terms, before the Act came into operation. The time allowed for preparation, he continued, was only seven months; but, during that period, a large number of British vessels would not have arrived from distant places abroad, and, therefore, there would be no means of making changes in the modes of sailing and manning them. The contemplated reduction of men required to be made by the owners of ships to enable them to compete with the foreign owners was held to be of great importance. It was computed that five men were employed in every British vessel to every 100 tons; while, in foreign vessels, only three or four men were required for the same amount of tonnage. Assuming 230,000 as the number of seamen employed by British ship-owners, there must be a reduction of one-fifth; in other words, 47,500 British sailors must be thrown out of employment.

Claims of  
Ship-  
owners,

and fear of  
competi-  
tion.

In mercy, therefore, exclaimed his Lordship, to all parties interested, a sufficiently long time ought to be given for preparation. There was not less, it was said, than 200,000 tons of American<sup>1</sup> shipping in California, which might return by the port of Calcutta, and then be brought into competition with the tonnage of this country. The effect of the sudden competition from the Americans in the freight-market of India on the trade of Australia would, in his opinion, be most detrimental. Our own vessels carried out emigrants to that dependency, and they could only find return cargoes by going to the ports of India; but there, again, they

<sup>1</sup> The discovery of large quantities of gold in California had attracted the enormous quantity of tonnage to that region.

would meet American tonnage from California, and be disappointed of freights. Seven months was not sufficient time to frame treaties with foreign Powers. The timber duties ought to be taken off, and this could not be done in time. His Lordship recapitulated many other objections to such precipitancy, but all were unavailing. The Ministers resolutely persevered in their measure, and opposed delay, and, indeed, every other amendment proposed. In fact, it was believed that they were afraid, if the delay of eighteen months were conceded, that a change of ministry or of public opinion might defeat the measure entirely, and this was the more to be dreaded as all parties admitted that immediate distress to the Shipowner must follow the first passing of the Bill. However, the throwing open the trade of the St. Lawrence was made the ostensible ground of resisting delay, and upon a division only 40 Contents appeared for Lord Ellenborough's amendment; Non-contents, 56; Majority, 12.

Amendment rejected by a majority of 12.

Earl Waldegrave next moved a very long amendment,<sup>1</sup> the general effect of which was to prevent foreign ships from receiving British registration. On a division there were, Contents, 37; Non-contents, 49; Majority, 12.

After this division Lord Stanley relinquished all further opposition to the Bill in committee. He withdrew an amendment which had for its object to meet the complaint of Canada, that there were greater facilities for the transmission of their produce by the way of New York than by the St. Lawrence,

<sup>1</sup> *Vide* 'Hansard,' vol. cv. pp. 883-5. It occupies two closely printed columns.



because, at New York, the Canadians had the choice of an American or a British ship, while, from Montreal or Quebec, they could only send their produce in a British ship. Lord Stanley proposed to effect the object, not by enabling ships of all countries to enter the St. Lawrence, but by enabling British or American shipping to convey from either outlet the produce of Canada or of the United States. His Lordship seemed to feel himself that this was, if not an impracticable, at least a very imperfect scheme, as it did not legislate for other colonies, and so he relinquished it together with his general opposition. Lord Wharncliffe, finding Lord Stanley did not support him, withdrew his amendment also, leaving conditional legislation to the discretion of the Crown; that is, leaving the Queen's Government to judge of the expediency of asking for restrictions in particular cases. The remaining clauses were agreed to.

All effectual opposition to the Bill was now hopeless. But, on the third reading, Lord Ellenborough took the opportunity of observing that he could not refrain from touching upon the measures which it would be absolutely necessary to adopt for the security of British shipping under the new system. It was only fair that the Shipowner, among various other burdens which he named, should be relieved from all duties on timber. Government should promptly introduce measures for the examination of masters and mates before their appointments, and for their trial upon the loss of ships; also for the establishment of a fund for the support of worn-out seamen, similar in principle though not in extent to

Bill read  
a third  
time.

that existing for the seamen of the Royal Navy at Greenwich Hospital ; also a measure for the registry of ships, the present system being altogether erroneous and deceptive.

Timber  
duties, &c.,  
admitted  
to be griev-  
ances.

Earl Granville agreed with Lord Ellenborough as to the reduction of the timber duty ; and, as to the new registration, he was not prepared to say that he saw any great objection to it. With regard to the Merchant Seaman's Fund, the attempt to restore it made last year, he must remind their Lordships, was opposed and defeated by the Shipowners themselves ; the subject was, nevertheless, deserving of the best consideration. It was intended, he added, to bring in a Bill to improve the discipline of the mercantile navy.

Lord Winchelsea, a staunch Conservative, complained that the measure had been carried by the votes of the bishops ; and warned them of the danger of carrying secular matters injurious to the best interests of the country by their votes, as in that case England would wish to see Convocation restored, and the bishops represented by a few of their body. Lord Stanley and Lord Brougham satisfied themselves with saying, "Non-content," and inveighing against the Bill to the last. The Marquess of Lansdowne replied ; and the opposition Peers now withdrew in a body, and the Bill was read a third time.

On the question "that the Bill do now pass," the Bishop of Oxford proposed to add a clause by way of rider declaring that "the said privileges" should not extend to the ships of Spain or Brazil, or to the ships of any foreign country, until the Queen should declare by Order in Council that such governments had given full satisfaction as to the fulfilment of

the treaties respecting the suppression of the slave-trade. The motion was resisted by Lord Howden in a very argumentative speech, and rejected upon a division by—Non-contents, 23 ; Contents, 9.

The various reasons urged against the Bill for the repeal of the Navigation Laws were briefly summed up by Lord Stanley in a protest which he entered on the Journals of the House against the third reading.<sup>1</sup> In this protest the great advantages we surrendered, without any equivalent, were fully recited ; and a dissent expressed, because the Royal Navy was mainly dependent for its efficiency upon the commercial marine, and the classes of the community connected therewith. This Bill, he urged, by discouraging the employment of British shipbuilders, ships, and seamen, tended directly to the reduction of the commercial marine, and, thereby, to the diminution of that naval strength which was the main foundation of the greatness of this country, and the surest defence of its independence.

Lord Stanley's protest.

But all remonstrances, denunciations, petitions, and protests were disregarded. The Bill passed the House of Lords on the 12th June ; and, although a petition from the Shipowners<sup>2</sup> was presented to the Queen by Sir George Grey praying her Majesty to withhold her approval of the Bill, the Royal assent was given on the 26th of that month, and thus the Navigation Laws of Great Britain, which had endured practically unchallenged during two centuries, were almost utterly abrogated.

Royal assent given June 26.

<sup>1</sup> See 'Hansard,' vol. cvi. p. 48.

<sup>2</sup> The Petition at length will be found in the 'Shipping Gazette,' 13th June, 1849.

Coasting  
trade  
thrown  
open, 1854.

It may be convenient here to dispose of the question of the Coasting clauses, which it will be remembered were withdrawn from the Bill of 1849. Notwithstanding the opposition brought to bear against this portion of the measure, and the continued reluctance of foreign Powers to reciprocate, the Coasting trade of the kingdom was, in 1854, unconditionally thrown open to vessels of all nations without any opposition from our Shipowners, indeed, some of them then expressed deep regret that this trade had not been opened to foreign shipping in 1849.

Americans,  
Oct. 1849,  
throw open  
all but  
their coast-  
ing trade.

The actual repeal of the Navigation Laws having, in the summer of 1849, become an accomplished fact, the consternation among all classes connected with British shipping was almost universal, mingled with feelings of curiosity and doubt as to the course which the Americans would now adopt. These doubts were, however, soon removed by a prompt notification of the Government of the United States,<sup>1</sup> issued on the 15th October, 1849, honestly and boldly putting the law of 1828 in motion, but *retaining the coasting trade of that country in all its integrity*; and, to this day they decline, on alleged constitutional grounds, to consider the voyage from New York to California as in any respect different from the voyage between New York and Baltimore, or as in any way resembling the trade between London and the Cape of Good Hope or Australia, though, in both cases alike, the voyage can only be made by passing the coasts of foreign nations!

<sup>1</sup> See Hertslet's 'Treaties,' &c., vol. viii. p. 968.



## CHAPTER XI.

Despondency of many shipowners after the repeal of the Navigation Laws—Advantage naturally taken by foreigners, and especially by the Americans—Jardine and Co. build vessels to compete with the Americans—Aberdeen “clippers”—Shipowners demand the enforcement on foreign nations of reciprocity—Return of prosperity to the Shipowners—Act of 1850 for the improvement of the condition of seamen—Valuable services of Mr. T. H. Farrer—Chief conditions of the Act of 1850—Certificates of examination—Appointment of local marine boards, and their duties—Further provisions of the Act of 1850—Institution of Naval Courts abroad—Special inspectors to be appointed by the Board of Trade, if need be—Act of 1851, regulating Merchant Seaman's Fund, &c.—Merchant Shipping Act, 1854—New measurement of ships—Registration of ships—The “Rule of the Sea”—Pilots and pilotage—Existing Mercantile Marine Fund—Wrecks—Limitation of the liability of Shipowners—Various miscellaneous provisions—Act of 1855.

CONSIDERING the violent opposition offered by the great majority of shipowners to the repeal of the Navigation Laws, it is not surprising that their despondency, when the Act came into operation, knew no bounds. Many of them resolved—and a few acted upon the resolution—to dispose of their ships at whatever price they would fetch, others determined to register them under a foreign flag; but few, if any, carried out their determination in this respect. On the other hand, as might have been expected, foreign nations, and especially the United States,

Despondency of many shipowners after the repeal of the Navigation Laws.

made extraordinary efforts to secure for their ship-owners the more valuable portion of the trade thrown open by the repeal of these laws. Hitherto the vessels of that country had more than rivalled British ships in the China trade ; and, ever since the first Chinese war in 1842, when great expectations were entertained of an enormous increase of trade with that country, the Americans had made very considerable efforts to secure the larger proportion of it. To meet these efforts we had, before we were roused from our apathy by the repeal of the Navigation Laws, built various vessels of an improved description, such as the *Alexander Baring*, *John o' Gaunt*, *Euphrates*, *Monarch*, and *Foam*, which were equal to any American vessels then engaged in the trade with China. But, in 1845, various vessels were despatched from New York and Boston to Wampoa, of a novel form, which surpassed ours in speed, having low hulls, great beam, very fine lines, and with yards so square as to spread a far larger amount of canvas in proportion to their tonnage than any vessels hitherto afloat. To rival these we, in 1846, first directed our attention to the construction of "clipper vessels," and as a test of these, Messrs. Alexander Hall and Co. of Aberdeen, sent forth a schooner named the *Torrington*, to compete with the Americans then engaged in the coasting trade of China, and in the still more lucrative opium trade. As this vessel proved a success, others of greater dimensions soon followed.

But in 1848, the Americans had found out a trade exclusively their own, which led to the construction of larger and still faster vessels than any they had

hitherto employed in the trade with China. The discovery of the gold mines in California gave an impetus to their shipbuilding hitherto unknown ; and, for that trade, they brought out a class of ships such as the world had then never seen ; their dimensions in tonnage being as great as the largest of our old East Indiamen, with a capacity for cargo far greater, and with lines as sharp and fine as almost any Baltimore clipper. The voyage of the first of these celebrated vessels was limited to San Francisco, from which she returned in ballast to New York, having earned sufficient freight on her outward passage alone to amply remunerate her enterprising owners. The others, however, which followed, continued their voyage from California to China, and having the peculiar advantage of their own "coasting trade," from which the vessels of all other nations were excluded, they obtained an immense advantage over all competitors.

Freights from New York to California, which, at first, were exorbitantly high, still averaged somewhere about 5*l.* per ton : thence, these ships proceeded to China, and there, were able to load cargoes of tea and other produce direct for London or New York, thus securing on the round voyage from 8*l.* to 10*l.* per ton freight, while our ships, engaged in the direct trade between London and China, a voyage nearly as long, could only earn out and home little more than half that rate per ton. It was not therefore, surprising, that loud complaints were made by British Shipowners of the disadvantage in which their vessels were placed, when competing with those of the United States.

Advantage naturally taken by foreigners, and especially by the Americans.

Encouraged by this special advantage, the Americans constructed for the California and China trades, vessels of still greater dimensions, and of a still finer description, in which, for a time, they practically monopolised not merely the trade between New York and San Francisco, but also that between China and Great Britain. Attributing the depression from which they were suffering to the repeal of the Navigation Laws, as every branch of trade was then greatly depressed, our Shipowners naturally viewed, with great alarm, the rapid strides made by American shipping. Nor were their fears allayed by a reference to the Board of Trade returns; wherein it appeared that, while the increase of British shipping had, in the year previously to the repeal been 393,955 tons, there had been a decrease in the year after the repeal of 180,576 tons; while, concurrently with the falling off of British shipping, it was also shown that foreign vessels, entering inwards from foreign ports, had increased from 75,278 tons to 364,587 tons. Our position appeared, therefore, critical; and, had it not been for the resources we held within ourselves, and the indomitable energy of our people, foreign shipping might then have gained an ascendancy which might not afterwards have been easily overcome.

American shipping, above that of all other nations, had, hitherto, been moving onward with such rapid strides that though, in 1815, at the close of the war, the tonnage of the United States was not more than one-half that of Great Britain, it had risen by 1850 to 3,535,454 tons (including river and lake steamers), against 4,232,960 tons of British



shipping, and bade fair, with the special advantages they now possessed, to surpass it in amount ere many years had elapsed. Under such circumstances, unusual efforts were necessary to maintain our position as the first of maritime nations.<sup>1</sup> We had, however, one advantage which our great American competitors did not possess. We had iron in abundance; and, about this period, we were specially directing our attention to the construction of iron ships to be propelled by the screw.

Various of these vessels, to which I shall hereafter fully refer, were launched about the year 1850, and placed in competition with the American liners, which had long, all but monopolised the trade between the United States and Europe. Even if we could not build wooden ships, as was then feared, at as low a cost as the Americans, we had the advantage in labour, in the cost of equipment, and in being able to produce a superior class of vessels suited for the China and other distant trades, from our English oak.<sup>2</sup>

<sup>1</sup> At that moment our prospects were certainly very gloomy, and it was not surprising that many of our shipowners were disposing of their property. On the other hand, as most of our shipbuilders were idle, it was a favourable moment to contract for the construction of ships. I, therefore, embraced the opportunity, and contracted in one week for six ships of an improved description, of about 1000 tons each. Two of these I built at Sunderland, two at Maryport, one in Dundee, and one in Jersey. Most of the old school of shipowners thought I had lost my senses, and prophesied "ruin;" but others thought there was "method in my madness," and were thus encouraged to follow my example. Many of my readers may remember the jeering paragraphs which appeared in the Free-trade journals of the period, headed "Lindsay and more ruin," "Not so bad as they seem," and so forth. But the fact had an astonishing effect in rousing our shipowners from their dreams of despair, and I never had any reason to regret my "daring speculation."

<sup>2</sup> Mr. T. C. Cowper, of Aberdeen, himself a member of a well-known shipbuilding firm in Aberdeen, who had spent some time in China at

There is, however, no doubt that at this period there were few ships afloat which could rival in speed the *Oriental*, *Challenge*, *Sea Witch*, *Flying Cloud*, and various similar vessels the Americans had sent forth to compete with us in the trade from China, for, at that time, iron ships propelled by steam could

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the period to which I now refer, and to whom I am indebted for much of the information connected with our struggles to maintain our position in that trade, gives the following graphic description of his voyage home in the *Ganges*, Captain Deas, belonging to Leith, one of the vessels we had sent forth soon after the repeal of our Navigation Laws, to compete with the Americans in that trade. "We landed," he says, "new teas at Wampoa, and sailed on the 1st September, 1851. Two of the fastest American clippers, the *Flying Cloud* and *Bald Eagle*, sailed two or three days after us. A great deal of excitement existed in China about the race, the American ships being the favourites. The South-west monsoon being strong, the *Ganges* made a rather long passage to Anger, but when we arrived there we found that neither of our rivals had been reported as having passed. We arrived in the English Channel on the evening of the 16th of December. On the following morning at daylight we were off Portland, well in shore and under short sail, light winds from north-east, and weather rather thick. About 8 A.M. the wind freshened and the haze cleared away, which showed two large and lofty ships two or three miles to windward of us. They proved to be our American friends, having their stripes and stars flying for a pilot. Captain Deas at once gave orders to hoist his signals for a pilot also, and as, by this time, several cutters were standing out from Weymouth, the *Ganges* being farthest in shore got her pilot first on board. I said that I would land in the pilot boat and go to London by rail, and would report the ship that night or next morning at Austin Friars." (She was consigned to my firm.) "The breeze had considerably freshened before I got on board the pilot cutter, when the *Ganges* filled away on the port tack, and, contrary to his wont, for he was a very cautious man, crowded on all small sails. The Americans lost no time and were after him, and I had three hours' view of as fine an ocean race as I can wish to see; the wind being dead ahead, the ships were making short tacks. The *Ganges* showed herself to be the most weatherly of the three; and the gain on every tack in shore was obvious, neither did she seem to carry way behind in fore reaching. She arrived off Dungeness six hours before the other two, and was in the London Docks twenty-four hours before the first, and thirty-six hours before the last, of her opponents."

not be profitably employed in so distant a trade. It seemed almost hopeless<sup>1</sup> to expect that we could construct sailing vessels which would enable us to cope successfully with these celebrated ships. But, though great in speed, it was soon discovered that they were inferior in strength; and, as some of them had landed their cargoes in a damaged state, the shippers of tea and other valuable produce from China encouraged the building of vessels of superior strength, hoping, at the same time, to obtain by improved models an increased speed, even if this speed did not surpass that of these famous American vessels. Accordingly, Messrs. Jardine, Matheson and Co. commissioned Messrs. Hall and Co., of Aberdeen, to

Jardine  
and Co.  
build  
vessels to  
compete  
with the  
Ameri-  
cans.

<sup>1</sup> All our shipowners had not, however, even then given way to despair, and Mr. Farrer reminds me of a speech which, at the time, had a considerable effect in rousing the drooping spirits of those who were in doubt. He says, in a note I received from him the other day: "Shortly after I joined the Board of Trade, in 1850, I went to dine at some large dinner in the City (a dinner, I think, for one of the great marine charities) at which a great number of the large London shipowners were present. They were then in a state of great irritation at the recent repeal of the Navigation Laws. Amongst those present was the late Mr. Richard Green, who, as is well known, was one of the very few shipowners who supported the Government on the repeal of these laws. After dinner the usual speeches were made, and amongst them was one by the Secretary to the American Legation, a young gentleman who addressed us in the flowing style not uncommon with young Transatlantic orators. After him came Mr. Richard Green—the contrast of style was striking. 'We have heard,' he said, 'a good deal to-night about the dismal prospects of British shipping, and we hear, too, from another quarter, a great deal about the British Lion and the American Eagle, and the way in which they are going to lie down together. Now, I don't know anything about all that, but this I do know, that we, the British shipowners, have at last sat down to play a fair and open game with the Americans, and by Jove we will trump them!' The feelings of the other shipowners present may be conceived." And I may add he *did* "trump them," for shortly afterwards he built a ship called the *Challenger* to match their *Challenge*, which thoroughly eclipsed her.



Aberdeen  
"clip-  
pers."

construct for them a ship, with lines as sharp as those of any American, but of superior strength. The *Stornoway*, commanded by Captain Robinson, formerly of the *John of Gaunt*, was the first of the "Aberdeen clippers." The *Chrysolite*, commanded by Captain Enright, followed. But, though these vessels proved very fast for their size, they were still no match for the Americans, which were double their dimensions. However, the *Cairngorm*, also built by Hall for Messrs. Jardine, proved equal in speed to any of her foreign competitors, and, by delivering her cargo in superior order, obtained a preference.

It was not, however, until 1856, when the *Lord of the Isles*, built by Scott, of Greenock, and commanded by Captain Maxton, in a celebrated race for the first delivery of the new teas from Foo-choo-foo in London, beat two of the fastest American clippers, though of nearly double her tonnage, delivering her cargo without one spot of damage, that British ships regained their ascendancy in a trade which their American rivals bade fair to monopolise. From that time, British sailing ships, as I shall hereafter show, gradually gained a complete ascendancy over the Americans in the China trade, and carried all before them, until they, in turn, were supplanted by British screw-steamers.

In the meantime, however, our Shipowners were suffering heavy losses in the ordinary branches of commerce, with little prospect of any permanent improvement. It was, therefore, not surprising that many of them contemplated abandoning the business in which they, as well as their forefathers for many generations, had been engaged. To obtain a restora-



tion of Protection was out of the question ; while any remission of burdens, or abrogation of restrictions, in the power of the Legislature to grant, would not, they felt, enable them to compete successfully with their foreign rivals. To these burdens I shall hereafter refer.

As regarded non-reciprocity on the part of foreign nations, they had little expectation that any relief could be obtained. Every State that had anything worth acceptance in the way of reciprocation had, they were convinced, determined on adhering to a Protective policy ; and, though the retaliatory clause in the Navigation Act might afford some power of compulsion, the Shipowners saw from the discussions in Parliament that it was vain to hope that such powers would ever actually be put in force. Nevertheless, under such gloomy political prospects, every effort was made by the central body of the Shipowners' Association in London to impress their views upon the representatives of the maritime towns in Parliament. The outports were urged to secure the return of members who would support a policy opposed to that of the indiscriminate abolition of all Protective laws. The feeling thus provoked exercised its influence during many succeeding years. They who had the moral courage to advocate more enlightened principles were made the victims of the exasperated Shipowners, and a good many members lost their seats at the general election of 1852 because they could not, conscientiously, support any measure restoring Protection to the Shipowners, even in the modified form they now desired, the general enforcement of the reciprocity on other nations.

Ship-owners demand the enforcement on foreign nations of reciprocity.

Return of  
prosperity  
to the  
Ship-  
owners.

Happily, however, for the Shipowners, the demand for their vessels soon rose; and, though some of them may have severely suffered for the first twelve months after the repeal of the Navigation Laws, they soon recovered their losses, and their course ever since has been, apart from the usual fluctuations in all branches of commerce, one of almost continued prosperity. Mr. Thomas Tooke, in his well-known work,<sup>1</sup> speaking of the annual state of trade at the close of 1853, states, that the most satisfactory accounts of the year's business were those connected with shipping. Indeed, 1852, as well as 1853, were years of prosperity to every class of persons connected with ships.

The enormous emigration of the former year, and the great increase of imports and exports in 1853—caused unquestionably by our liberal policy—created a sudden demand for freight, far beyond the resources of vessels really available. British ships of the highest class rose in price from 15*l.* to 21*l.* and 22*l.* per ton, and colonial from 6*l.* 10*s.* to 11*l.* per ton; freights, in many instances, advanced more than 100 per cent.; and it was soon discovered that, though the carrying trade of England had been opened to vessels of all nations, English merchants could not find sufficient tonnage to supply the orders pouring in on them from every part of the world: thus, while the demand for Australia was still on the increase, new branches of commerce were opening out also in other quarters. Freights from Odessa rose from 65*s.* to 120*s.* per ton; the rates to and from the west coast of South America, Brazil, and

<sup>1</sup> See Tooke's 'History of Prices,' vol. v. p. 303.

the West Indies were nearly doubled; from America, both in timber and grain, freights advanced in like proportion, as well as in the Baltic; and, even, in the coal trade between Newcastle and London, the usual standard rate of 6s. per ton was more than doubled. The grain trade, beyond all others, was characterised by extraordinary activity, the result of events it was impossible to foresee; while the practical closing of some of the most important granaries during the subsequent war between Russia and Turkey, greatly enhanced the price of corn, and gave rise to large importations of bread-stuffs from the United States and other more distant parts of the world, necessitating, at the same time, a large amount of tonnage for their transport. The surprising prosperity, which had so suddenly succeeded a period of depression and adversity, silenced for a time, though it did not extinguish, the complaints of the already "old school" Shipowners against the repeal of the Navigation Laws.

But, as British ships were now subjected to the competition of the vessels of all nations, Government considered it their duty to afford every facility as far as regards education and the means of obtaining it to the men by whom they were manned, holding that they were bound to secure for them every advantage in this respect possessed by those of foreign nations. We have seen, by the reports from the various Consuls abroad and from other sources, that, in the training of our seamen for the work they have to do, we were far behind our foreign competitors. Consequently, among the earliest measures of 1850, an Act was passed which

Act of  
1850, for  
the im-

provement  
of the con-  
dition of  
seamen.

had for its object the improvement of the existing condition of our seafaring population, especially as regards commanders and officers, and for affording to Shipowners greater facilities than they had hitherto possessed for engaging and regulating the conduct of the crews of their ships. Hitherto, though our ships had been, by some people, pompously, styled the “harbingers of peace, Christianity, and civilisation,” they had more frequently carried with them to other lands vices previously unknown there.

In point of fact, all other nations, except England, had a code of laws to regulate the conduct and test the competency of those who navigated their merchant ships; life and property with us being placed under the charge of men without any security for their conduct, integrity, or ability. Avaricious Shipowners, too, often bought labour in the cheapest, and rarely, therefore, in the best market; while others, with sons and brothers to provide for, placed them in charge of their ships, or in other responsible positions, for which they were often altogether incompetent. The seamen, themselves, were neglected, and, in many instances, were, to a great extent, under the control of a class of nefarious persons known as “crimps,” who procured them employment, discounted their advance notes at usurious rates, and, too frequently, plundered them of all they possessed at the termination of the voyage. It, therefore, became the duty of Government to do what in them lay to remedy these glaring evils. Happily there had just been appointed, as Secretary to the new Marine Department of the Board of Trade, a young gentleman of rare abilities, who had devoted

Valuable  
services of  
Mr T. H.  
Farrer.



considerable attention to the state of our mercantile marine, and had accepted this office with a fixed determination to remedy, as far as legislation could do, the existing evils. To Mr. T. H. Farrer the country is greatly indebted for most of the measures which have since been passed in connection with our mercantile marine.<sup>1</sup>

The first of these reform Acts, entitled, "An Act for Improving the Condition of Masters, Mates, and Seamen, and Maintaining Discipline in the Merchant Service," received the Royal assent on the 14th August, 1850, and came into operation on the 1st January of the following year. This Act contains 124 clauses, and places under the Board of Trade the general superintendence of matters relating to the British mercantile marine, with power to carry the Act into execution in all its details. This valuable measure provides for the establishment of local marine boards at the principal seaports in the kingdom. These boards consist of from six to twelve members, comprised of the Mayor or the stipendiary magistrate resident in the district, of two to four members nominated by the Board of Trade, the remainder being elected by the shipowners resident in the place. Two superior officers with various subordinates were appointed to carry out the duties of the marine board under the direction of its members. The first and most important of these duties consisted

Chief conditions of the Act of 1850.

Certificates of examination.

<sup>1</sup> Mr. Farrer's connection with the Board of Trade commenced in 1850, when he was employed by the late Lord Taunton, then Mr. Labouchere, to draw up a Merchant Shipping Bill; and he has ever since had important relations with that Board, more especially on all matters connected with the Mercantile Marine, first, as Secretary to that department, and now as permanent Chief Secretary to the Board.

in the examination of persons intending to become masters or mates of foreign-going ships, who are now required to give satisfactory evidence of their sobriety, experience, ability, and general good conduct, before they are entitled to receive a certificate of their competency.

Those persons who had previously been in command of ships, or who had served as mates, were not required to undergo an examination, but received a certificate of service, enabling them to accept appointments similar to those they had held previously to the Act coming into operation; so that, in this respect, the law was not retrospective, but only required such persons to undergo examination who had not before acted in the above capacities; power was, at the same time, given to the board to cancel their certificates of service, or of competency, provided those who held them were guilty of misconduct, or otherwise found to be unfit for their duties. Penalties were inflicted for false representations, for forging, or altering, or fraudulently using their certificates. The local marine boards were required to establish shipping offices, where all seamen are engaged; and to appoint, subject to the approval of the Board of Trade, shipping-masters, whose duties were to ascertain that engagements were made in proper form, to issue the advance notes of the seamen, and to see that they joined the ships for which they had engaged at the time fixed for departure. Their duties, likewise, extended to the settlement of the seamen's wages at the termination of the voyage, and to the seeing that while the men were justly dealt with, they received, also, a proper discharge. They were, moreover,

Appoint-  
ment of  
local ma-  
rine  
boards,

bound to keep a register of the names and character of the seamen and apprentices, and to perform such duties, in relation to the indentures of the latter, as had previously been performed by the officers of Customs. All agreements were to be in a specified form, and to state, as far as practicable, the nature and length of the voyage on which the ship is to be employed, the time when each seaman was to commence duty, the capacity in which he was engaged to serve, the amount of wages he was to receive, the scale of the provisions to be supplied, with such further regulations as might be necessary for his conduct on board, and to inflict fines, short allowance of provisions, or other lawful punishments for misconduct. These agreements the shipping master is required to read over to the seamen, who, if they approve, then sign them in his presence. No alterations are allowed to be made, unless with the consent of all parties; and these agreements must be produced by the master, before a clearance of the ship can be obtained at the Customs. Similar agreements are required for vessels engaged in the coasting trade; but, in this case, they need only be entered into once in six months, and may be signed either on board the vessel or at the shipping office. Penalties are inflicted on masters for taking seamen to sea without such agreement, or for its non-production if required by the British Consul abroad, or by the shipping master, or Collector of Customs in the ports of Great Britain.

and their  
duties.

The masters and officers are examined in seaman-ship in its varied branches, as well as in navigation; and the course of examination very much resembles

what, as I have already described, has long been adopted in various foreign countries. It is of two grades—first and second class—and has produced the most marked effect in the moral, social, and intellectual improvement of the persons in charge of the vessels of our now gigantic mercantile marine. However much our ships have improved, in all respects, since the Navigation Laws were repealed, and this improvement has been very remarkable, it is not greater than what has taken place in the case of the men by whom they are commanded and navigated.

Throughout the whole of this Act every consideration seems to have been given to the wants of the seamen, with the exception of their education, provision being made for the proper payment of their wages and advance notes, and further facilities afforded for their more prompt recovery.

Further  
provisions  
of the Act  
of 1850.

This Act further provides, that, in every ship, nine superficial feet of space, measured upon the deck, is to be appropriated to each seaman, either in the fore-castle or in a suitable house on deck; such space to be kept entirely free of stores of every kind, to be securely and properly constructed, and to be well ventilated. The owner is also bound to provide, for the use of all on board, a supply of medicines, in accordance with a scale sanctioned by Government; with lime-juice in certain cases, and fresh vegetables whenever they can be conveniently obtained: the masters, also, of all ships are bound to keep weights and measures on board, so that the seaman may be satisfied that he has his full allowance of provision agreeably with the Act; while heavy penalties are



inflicted on owners who do not conform to these conditions.

In the case of desertion, the masters or owners are authorized by this Act to give or take in charge, without warrant, any seaman who had left his ship without "leave," or any seaman or apprentice who neglects or refuses to join a ship in which he has engaged to serve. Though this clause has since been frequently condemned, and might be limited with advantage to within a certain time before the ship sails, it was absolutely necessary to deal with such cases promptly, for deserting seamen, more especially when in debt to the ship, readily found employment, and would, in many cases, have sailed in other vessels before it was possible to have obtained a formal warrant for their apprehension.

Any misconduct endangering the ship, or life or limb, is considered a misdemeanour; as also any wilful breach of duty, by reason of drunkenness or any other cause, which might tend to the immediate loss, destruction, or serious damage of the ship, or of the life or limbs of any persons, engaged in her. Certain offences may be summarily punished on arrival in port, such as wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, assaulting the master or mate, wilful disobedience to lawful commands, or combining with any other or others of the crew to disobey these commands, neglect duty, or with impeding the navigation of the ship or the progress of the voyage. All such matters may be summarily dealt with, by inflicting punishment of from one to three months' confinement with or without hard labour.

Institution  
of Naval  
Courts  
abroad.

Naval Courts are also instituted abroad, for hearing complaints with regard to either seamen or masters, and for dealing with them in a summary manner. These courts are constituted of from three to five members, and consist of officers of her Majesty's Navy, of rank not below that of lieutenant, of a consular officer, and of the master of a British ship; but, if there should happen to be no ships-of-war in the harbour, the Consul has power to nominate any other disinterested master or merchant to act as a member of such court.

Among the more important sections of the Act, I must not omit that referring to the clause enjoining masters of ships to keep a log-book of a prescribed form, known as the "official log." In this book the master is ordered to enter, not merely the daily course and position of the ship, but all occurrences on board as to the conduct of the crew; any disobedience of orders or neglect of duty; an entry is further required to be made of the death, injury, or illness of any seaman and of the time when he left the ship, should he have done so without leave. This official log the master has to deliver, on his return to port, to the Collector of Customs before an entry of his ship can be obtained; and in the case of any ship being sold abroad, the master or transferrer thereof must deliver or transmit it, duly made up to the time of transfer, to the shipping master or Collector of Customs, at the port to which the ship previously belonged. Penalties of from 5*l.* to 20*l.* are inflicted upon the master or owner for not keeping the log in proper form, or for neglecting to make the necessary entries.

When a seaman is discharged from a vessel by mutual consent, either abroad or at the termination of the voyage, the master must give him a certificate of character, in a form sanctioned by the Board of Trade, specifying his qualifications; but in cases where the seaman has proved incompetent or negligent in his duty, the master may decline to give him this certificate, so far as regards his character.<sup>1</sup>

Power is further taken by the Board of Trade to institute a special investigation, wherever there is reason to apprehend that any serious accident, occasioning loss of life or property, has been sustained, or that any of the provisions of the Act, or of any other Act relating to merchant shipping or merchant sailors, has been grossly neglected or disobeyed; and, for that purpose, to appoint local inspectors or any other competent persons, to inquire into and report thereupon. These inspectors have power

Special inspectors to be appointed by the Board of Trade, if need be.

<sup>1</sup> Perhaps if masters of ships were more particular, and instead of inserting in the printed certificate of discharge, as they now almost indiscriminately do, "V. G." (very good), they would mark the real character of the man, with "V. G." or "G." as the case might be, or when necessary substitute "N. S." (not satisfied), it might have some effect in improving the character of seamen; and these documents, which are now almost worthless, would then become of some service to shipmasters themselves. Why should we not adopt the course which we generally (but not always) do in the case of house servants? A house servant without a character has not much chance of employment, even now, when the demand is very great for them. To give a true and just character is a duty we owe, not merely to ourselves, but to society, and shipmasters should understand that, by granting a certificate of "V. G." or "G.," when the character of the seaman does not deserve either grade, may produce far more serious consequences on board ship than would likely be the case in our households, where we can discharge a bad servant at once, which we have no power to do at sea. One bad seaman may not merely contaminate the whole crew, but may be the means of the loss of the ship on which he sails, and of all on board.

to go on board and examine the ship and any papers relating to the voyage, and may call for the production of evidence; and penalties are inflicted for obstructing any of them in the execution of this duty. Various other clauses, for the protection alike of the owner, master, and seamen, are to be found in the Act, which extends to all British possessions at home or abroad, including India. A schedule is attached, regulating the scale of fees to be charged for the examination of masters and mates, and for the engagement and discharge of crews.<sup>1</sup>

Act of  
1851, regu-  
lating  
Merchant  
Seaman's  
Fund, &c.

I have frequently, in the course of this work, had occasion to refer to the Merchant Seaman's Fund, established by 20 Geo. II., cap. 38, as also by 4 & 5 Will. IV., cap. 52, and by 6 Will. IV., cap. 15. As this fund had been grossly mismanaged, an Act was passed in 1851 (8th August) to provide for the winding it up, and for its better management in future. Consequently all the previous Acts relating to it, together with various amending Acts, were swept away, and the general supervision of the business of winding-up the fund was placed in the hands of the Board of Trade, or of such persons as that Board might appoint. By the previous Act all masters and mates of ships were required to subscribe from 1s. 6d. to 2s., and all seamen 1s. per month toward the fund, of which 6d. went to Greenwich Hospital. But the Act of 1851 rendered

<sup>1</sup> This portion of the Act was somewhat hastily framed, especially as regards the extent of inquiry and the power of depriving masters and officers of their certificates; and, although that power was subsequently limited by the Acts of 1854 and 1862, the clauses referring to the mode of inquiry and the power to punish might with advantage be still materially modified.



it no longer obligatory on their part to do so. Those persons, however, who voluntarily continued their subscriptions were to be entitled to pensions in old age, or when otherwise rendered unfit for their duties; and provision was, likewise, made for the widows and children of such persons. These subscriptions the shipping masters appointed under the Mercantile Marine Act of 1850 are authorized to receive, and all moneys and properties forming part of, or belonging to, the Merchant Seaman's Fund are transferred to the Board of Trade. No master or seaman who had not contributed to the fund before the passing of this Act is allowed to contribute thereto, or to establish any claim for pension or other relief for himself, or for his wife or children; so that the benefits to be derived are confined, exclusively, to those who had hitherto subscribed, and who voluntarily continued their subscriptions after the passing of the Act of 1851; the Commissioners of her Majesty's Treasury are further authorized to pay, out of the Consolidated Fund, such sums as may be necessary, in addition to the voluntary subscriptions, for the necessary expenditure, and to make good the deficiency; they are also to pay to this fund the unclaimed wages and effects of deceased seamen; and all fines levied for neglect of duty or otherwise are appropriated for the same purpose.

The Board of Trade is authorized to determine and regulate the principles and conditions on which relief is to be granted under the Act, and to make such regulations and by-laws as may be necessary for the receipt and distribution of the fund. The Board has also to render annually to Parliament an

account of the receipts and disbursements of the previous year, under several heads; the amount of money in hand, and any sums which may be outstanding; the number of pensioners—distinguishing between men, women, and children, and between different scales of pensions, and the total amount of pensions in each class, together with that of the salaries and expenses of management.

But, beyond these Acts, a great deal more was necessary for the proper government of the merchant service. The vast multitude of Acts of Parliament suspending, repealing, and altering parts of other Acts had involved our commercial maritime law in almost inextricable confusion, and had become most injurious to the public interest. No persons but those well conversant with the subject can imagine to what extent this abuse had sometimes been carried. When the Navigation Laws were repealed no less than forty-eight separate and distinct Acts of Parliament were in force relating directly to maritime affairs; some of them, now before me, are in black-letter type of a very ancient date. It, therefore, became necessary to deal with these Acts; and, for that and other still more important objects, a Bill was introduced in 1854, which dealt in the most comprehensive manner with all questions relating to merchant ships and their crews. In this great measure, the two Acts to which I have just referred were embodied.

Merchant  
Shipping  
Act, 1854.

The Merchant Shipping Act of 1854<sup>1</sup> contains no less than five hundred and forty-eight clauses, divided into eleven separate and distinct parts or sec-

<sup>1</sup> 17 & 18 Vict., cap. 84.

tions. The first lays down the general functions of the Board of Trade; the second relates to the ownership, registration, and measurement of British ships; and the third is confined, exclusively, to matters referring to the conduct and duties of masters and seamen, and embraces the whole of the conditions of the Act of 1850, with various additions and amendments.

The measurement of ships embodied in part second of this Act is a great improvement on all former modes of ascertaining the tonnage of a ship, as it takes capacity for its basis; and thus, while proportioning the dues payable by ships to their capabilities of carrying freight, affords free scope to Shipowners to construct such vessels as are best adapted to the trade in which they are to be employed.<sup>1</sup> This admirable mode of admeasurement

New  
measure-  
ment of  
ships.

<sup>1</sup> The rule is to measure the length of the ship in a straight line along the deck, deducting from the length what is due to the rake of the bow, as also to the stern timber, and to divide the length thus taken into from four to twelve equal parts, according to the size of the ship. At each of these divisions the breadth is taken and the depth at each point of the division, and by making certain allowances, which the Act specifies in minute detail, the capacity of each section or compartment is thus accurately obtained. When the products of these are ascertained, the register tonnage is obtained by means of an easy mode of calculation, alike applicable, and equitably applicable, I must add, to ships of any size and every conceivable form. Of course this tonnage is subject to additions or deductions (which have sometimes been the cause of much controversy) for poops, top-gallant forecastles, houses, and other enclosed spaces on deck, which are all additions to the tonnage, while the large spaces occupied by engines, boilers, and coal-bunkers in steamers are deductions from it. Altogether it would not be easy to concoct a more just and wise mode of ascertaining the register tonnage of merchant vessels than that which Mr. Moorson, a man of remarkable genius, after years of labour, submitted for the consideration of Government, and which, through the instrumentality of Mr. Farrer, was in a great measure, adopted and embodied into the Merchant Shipping Act of 1854. I look back, as one of the pleasing

was also adopted, at a recent congress, as the basis for ascertaining the tonnage on which ships of any nation were to pay dues on passing through the Suez Canal.

Registra-  
tion of  
ships.

In dealing with the question of registration, the second portion of the Act of 1854, which contains ninety-one clauses, while it specifies in detail what persons are qualified to become owners of British merchant ships, likewise points out in what proportion of ownership the vessel may be held, inflicts penalties for non-attendance to these rules, and on builders for issuing false certificates. It also requires all change of owners or masters to be endorsed on the register; specifies the condition on which new certificates may be issued, and how they are to be disposed of in the event of shipwreck; the mode of transfer in case of sale, death, or bankruptcy is likewise clearly defined; as also the registration of all mortgages in their priority of claim, the mortgagee having power of sale without being held liable for any of the responsibilities of ownership.<sup>1</sup>

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reminiscences of my public life, to the hours I spent with Mr. Moorson in going through the details of his scheme before it was submitted to the public; but, though I may have ventured to offer an amendment here and there, as others may have done, the merit of the scheme belongs to him alone. It is now adopted by nearly all maritime nations. Mr. Moorson was the most modest of men; and I have the greatest pleasure in adding my humble testimony to the public labours of this most excellent and unassuming man.

<sup>1</sup> This Act has been a *real* success. A perfect title to any ship—even to the *Great Eastern*—can now be obtained at the nominal expense of only one shilling sterling! Why cannot we apply some such principle to the sale and transfer of land? It may be vain to ask such a question; but the reason may be explained by an anecdote: “When in Parliament I was frequently required to accompany deputations from my constituents, and other persons connected with shipping to the Board



The fourth part of the Act is almost as important as the third, which deals, as we have seen, with the qualifications and duties of masters, officers, and seamen. It refers to the safety and prevention of accidents, a subject which has created much controversy of late, and to which reference will be made more fully hereafter. This important section of the Merchant Shipping Act of 1854 requires all sea-going vessels to be provided with a certain number of boats in proportion to their tonnage and the trade in which they are engaged. It lays down rules as to the meeting and passing of ships at sea, and the use of lights and fog-signals—a regulation of daily increasing importance and more completely carried

The  
"Rule of  
the Sea."

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of Trade. One occasion, when Mr. Henley was President to the Board, I well remember. The deputation was from a great seaport on the eastern coast, and its leading spokesman was an attorney of considerable local influence and reputation. Among the various grievances brought under the notice of Mr. Henley was one which I did not expect to hear, and which has, certainly, never been conscientiously raised either before or since. It related to the law of Ship Registry as settled by the Act of 1854. One of the leading features of that law is, that the Register shall contain nothing but the names of those persons who can give an *absolute* title to the ship, omitting altogether the trusts and ramifying interests which make the transfer of a title to land such a complicated and expensive matter. The attorney in question, however, attempted to make out the omission to be a great grievance, arguing that all sorts of complicated interests could not be placed on the Register. Mr. Henley, whose shrewdness has now become proverbial (for I do not remember any man in the House of Commons who more readily discovered the flaws in Bills introduced for its consideration), in reply, after dealing with other grievances, in his usual pointed and clear manner, quietly remarked, 'And now we come to another grievance—that you cannot put trusts on the Register. Now, it seems to me,' he continued, 'that we have been tolerably successful in doing for ships what all the wise men are trying *in vain* to do for land—that is, to save them from a long lawyer's bill—there *may* be a grievance—I dare say *some one* (looking hard at the attorney) *has a grievance*, but I don't think it is the *shipowner*!'"

out in 1863, from the vast number of vessels now traversing the ocean, and especially the English and other great channels of commerce.

Various necessary and excellent regulations are embodied for the construction and equipment of steamships, without interfering with their form, leaving their owners and builders every possible scope for improvement, and compelling the fulfilment of certain conditions necessary to insure safety without relieving their owners from their just responsibility to the public. Vessels built of iron must be separated into water-tight compartments, which has since been repealed, and, in the case of steamers, the engine-room must be kept entirely distinct from the hold and cabins; passenger ships (of which further notice will hereafter be taken) are under special regulations with regard to surveys and signals, the use of fire-engines, and the shelter of all persons conveyed on deck.

Pilots and  
pilotage.

In the fifth part, the powers and general jurisdiction of pilots and pilotage authorities are defined. Power is also given by this Act to dispense with the use of pilots which had been enforced at certain places, by the Acts of 1849 and 1853, and was subsequently extended to all ports in the United Kingdom except London, Liverpool, and Bristol, so as to permit "the master or mate of any ship" who "may, upon giving due notice, and consenting to pay the usual expenses, apply to any pilotage authority to be examined as to his capacity to pilot the ship of which he is master or mate, or any one or more ships belonging to the same owners," and, if found qualified, to receive a pilotage certificate.

The sixth part of the Act refers to the manage-

ment of lighthouses,<sup>1</sup> buoys, and beacons, whether under the immediate control of the Ancient Trinity House of Deptford Strond, of the "Commissioners of the Northern Lighthouses," or of the Dublin "Bal-

<sup>1</sup> In the Exhibition of 1851 the French exhibited some beautiful specimens of coast-lights, in which they then excelled, but, since then, (see papers read by Sir William Thompson and Mr. J. Hopkinson before the British Association at Bristol) we have made remarkable improvements in the forms of our lighthouse apparatus, and now produce lights more powerful and brilliant than any other country. These are, chiefly, manufactured by Messrs. Chance Brothers of Birmingham, and, for the mode of arranging the glass reflectors, we are greatly indebted to the genius of the late Professor Faraday and Sir William Thompson. Lights are now constructed, which on a clear night can be seen at a distance of twenty-five miles, perhaps more. But still greater improvements have, since then, been made by arranging the colours, or rather the variation, of lights along a line of coast, so that the navigator may be able, at once, to distinguish one light from the other. For instance, some are fixed, single or double, white, red, or flash lights, or are revolving, displaying alternately these or other colours. But it has been found that red glass absorbs nearly two-thirds of the power of the light, and thus is to a very large extent deprived of its usefulness. Indeed, it has been found that colour of any kind used to distinguish one light from another materially lessens its power. Consequently, we are now adopting other means to distinguish one light from another on any given line of coast. That is, we make eclipses of opaque shades revolving round the usual lighting apparatus, and these we can vary so as to show 5, 10, 15, 20 or 30 seconds of darkness with similar or greater intervals of bright light. We may thus use altogether white or bright lights, which have the greatest power to work in such a manner that one can be easily distinguished from another. I may add that *electric* light, instead of that produced by oil or gas, has been tried within the last few years. One of these lights was fixed in 1871 on Souter Point, coast of Durham. The flashes were of 5 seconds' duration, with dark intervals of 25 seconds. The apparatus producing this effect consisted of a dioptric of the third order for fixed lights, around which there was an octagonal drum of glass, consisting of panels of eight vertical lenses; by these the divergent and continuous sheet of light from the fixed portion of the apparatus was gathered up so as to form distinct beams which successively reach the observer as the panels pass in succession before him. The electricity for the production of the spark was generated by one of Professor Holmes' magnetic-electric machines, worked by a steam-engine of four or five horse-power.

last Board.”<sup>1</sup> These separate authorities (subject to the control of the Board of Trade) are hereby authorized to appoint persons to inspect the lighthouses and levy dues for their maintenance (but with revision by her Majesty in Council), and to regulate and alter such dues. Accordingly, each of them may see the following works carried out within its jurisdiction :—(1) Erect, remove, alter, or repair lighthouses, with all other requisite works in connection with them ; (2) construct, place, or alter any buoys or beacons ; (3) purchase any land necessary either for the lighthouse or its approaches, with residences for the light-keepers ; and (4) vary the character of any lighthouse or the mode of exhibiting any lights therein.

Existing  
Mercan-  
tile Marine  
Fund.

The seventh part deals with the existing Mercantile Marine Fund, which, in some respects, but only to the very limited extent I have named, supplies the place of the Merchant Seaman's Fund, and directs the Board of Trade to carry to this fund all fees and other sums received under the provisions of the third and fourth sections of this Act ; all surplus light dues, when not appropriated to the reduction of the charge levied on ships, all rates and moneys received by the Trinity House under the Local Act (7 Vict., cap. 57) for the regulation of lastage and ballastage in the River Thames, and various other fees. It directs these funds to be applied to the cost of the examinations, and of the shipping offices provided under the third part, and of the survey of steam

<sup>1</sup> It is to be regretted that the management of all the lights, buoys, and beacons of the kingdom have not been placed under one head, with a view to greater efficiency and economy.



ships under the fourth part of this Act. The remaining portions of this fund not required for the maintenance of the lighthouses, &c., &c., is used for the purpose of establishing and maintaining on the coast of the United Kingdom proper life-boats,<sup>1</sup> and

<sup>1</sup> Apart from the aid thus rendered, there is a noble institution for the saving of life from shipwreck on the coasts of the United Kingdom, established in 1824, and maintained entirely by voluntary subscriptions. It is not merely well known in this country, but throughout the world, for no other nation of either ancient or modern times has produced such a truly philanthropic society as the "Royal National Life-boat Institution of Great Britain." It has now upwards of 250 life-boats stationed on different parts of our coast. Since its establishment it has expended on life-boats, and other means for saving life from shipwreck, upwards of 356,000*l.*; it has awarded 91 gold and 863 silver medals, and 45,200*l.* in coin to brave men as rewards for saving life; while those who manage its affairs and provide the necessary means, have for *their* reward the inestimable satisfaction of knowing, that the Institution has been the means of extricating from a watery grave and restoring to their friends, during the last half century, no less than 22,660 human beings, of every kindred and of every tongue. How insignificant are the honours conferred by monarchs compared with those which such labours of mercy as these bestow! Its boats, as I have said, are stationed on every part of the coast; and where the rocks are most rugged and the quicksands most deceptive, there these noble craft are to be found with their voluntary crews, the bravest of the brave, daring the rudest storms to save the lives of their fellow-men, and too frequently placing their own lives in the greatest peril. The boats are built expressly for the purpose of encountering heavy storms. The medium, or thirty-feet boat, to pull ten oars double-banked, is probably the best adapted for the general purposes of a life-boat; but, on the Norfolk and Suffolk coasts, and other places, some of the boats actually in use are from forty to forty-five feet in length, weighing from four to five tons, and fitted with lug-sails. These boats put to sea on their grand mission of mercy during the most tempestuous weather.

I remember, a quarter of a century ago, attending, in conjunction with its generous-hearted Chairman, the late Mr. Thomas Wilson, and its present excellent Chief Secretary, Mr. Richard Lewis, and other gentlemen, a meeting which had for its object the renovation of this noble and truly national institution. Its annual income was then only 150*l.*; its income is now upwards of 40,000*l.* per annum! But it is only due to the foresight of Lord Cardwell to state that, seeing,

for rewarding the preservation of life in such cases as the Board of Trade may direct, and for remunerating persons in connection with wrecks, casualties, and salvage with which the eighth portion of the Act specially deals.

Wrecks.

The inquiry into wrecks, though still requiring amendment, is not the least important part of the Merchant Shipping Act of 1854. It has proved of immense value to the State, and combined with the new law of admeasurement, and, of course, with that wholesome rivalry free navigation has created, has done much to improve the quality and equipment of the merchant vessels of Great Britain, and has, at the same time, tended to the safety of life and property at sea. This part of the Act provides, that whenever any ship is lost, abandoned, or materially damaged, especially in cases where life has been sacrificed, the Board of Trade *may*<sup>1</sup> institute an in-

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when President of the Board of Trade, in 1854, the value that such an institution was likely to prove, he recommended a small Government subsidy to aid it during its struggle for existence. His approval, more than the money voted, was then of great advantage, and he must now look back with no ordinary satisfaction to his thoughtful and generous recommendation. Nor must I withhold from Government the credit due to it for establishing that almost equally valuable and useful contrivance, the Rocket Apparatus, managed by the Coast Guard, under the directions of the Board of Trade, and supported from the Mercantile Marine Fund.

<sup>1</sup> I have frequently thought it would be desirable to institute an inquiry into *all* losses at sea, where reliable evidence can be obtained. I should have every loss recorded, with a brief notice of the cause of loss, and this record should either be open to the inspection of the public, or published annually by order of Parliament. It would be instructive and valuable, and would, I think, tend to materially lessen disasters at sea, by distinguishing those which arose from unavoidable accidents and those which might have been avoided. Indeed, so strong are my convictions on this subject that, if spared for a few years longer (which I can hardly hope to be, as I am physically myself

quiry (I object to the mode in which this is now carried out) into the cause of such misfortune, and, for this purpose, appoint suitable persons to form a court, able and competent to deal with all such questions.

Under the eighth part of the Act, the Board of Trade has intrusted to it the general superintendence of all matters relating to wrecks cast on shore, together with the appointment of receivers, who have authority to summon all persons, promiscuously, to their aid, to whatever number may be deemed necessary for the saving from plunder or otherwise the property thus stranded, and to “demand the use of any waggon, cart, or horses that may be near at hand;” “all persons refusing, without reasonable cause, to comply with this summons are liable to a penalty not exceeding 100*l*.” The receiver can also use force to suppress plunder, and “if any person is killed, maimed, or otherwise hurt by reason of his resisting the receiver in the execution of his duties, this officer is indemnified against all prosecutions for such acts”—a power somewhat approaching the rigour of the ancient laws, but still not too stringent to suppress the lawlessness even now prevailing when wrecks take place on remote parts of our coasts. Certain rules are laid down to be observed by persons finding or taking possession of a wreck; for instance, he must give notice of it as soon as possible to the receiver of the district, and, if he fails to do so, is, thereby, subject to penalties for his neglect, as

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a wreck), I hope to write another book, to be entitled the ‘Annals of the Sea,’ giving an account of all disastrous shipwrecks, and calling attention to those which would not have happened had ordinary prudence been exercised.

well as to the loss of all salvage. Salvage is awarded to persons saving life or property from the perils of the sea, and is regulated in amount by the risk incurred and the extent of services rendered, the saving of life having priority over all other claims.

Provision is, generously and very properly, now made, that no claim for the use of any of her Majesty's ships in saving life or property shall be valid, and that no person on board of such ships shall be permitted to make any demand on this behalf without the formal consent of the Admiralty, the mode of procedure in all such cases, previously in many ways objectionable, is now clearly established and defined. Nor does the Act omit to deal, and with great propriety, with dealers in marine stores and manufacturers of anchors. Subsequently, but on much more debateable grounds,<sup>1</sup> an act was passed which dealt with the makers of chain cables.

Limita-  
tion of the  
liability of  
ship-  
owners.

The ninth part of the Merchant Shipping Act defines or limits the liability of shipowners under certain circumstances ; that is to say, shipowners are

<sup>1</sup> This Bill was introduced by Sir J. D. Elphinstone and Mr. Laird. I opposed it on principle, as I felt that it was an unnecessary interference with the duty of shipowners ; and that, if chain cables were to be tested by Government inspectors, we should be obliged to appoint inspectors to examine and report on every article of a ship's equipment, thus as a matter of fact relieving shipowners from their responsibility to the public. Besides, by subjecting chain cables to an enormous and an unnecessary strain, the fibre of the iron was likely to be destroyed or rendered more brittle, and, hence, less to be depended on. All legislation in this direction should be narrowly watched, and the line carefully drawn, as, in too many instances, it is likely to do more harm than good. Indeed, I cannot too strongly impress upon the minds of persons who have to deal with such questions the impolicy of every measure which has for its object the performance by Government officials of duties belonging to the shipowner, as every such measure necessarily tends to relieve him from his responsibility to the public.



not liable, so far as regards fire, loss of life or personal injury, or loss of goods or merchandise, unless they have rendered themselves personally responsible, "to an extent beyond the value of their ship, and the freight due or to grow due in respect of such ship during the voyage." This liability was further limited in 1862 by Mr. Milner Gibson when President of the Board of Trade.<sup>1</sup> The mode of procedure is laid down at length and with great perspicuity; but nothing in the Act is "to lessen or take away any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman."

The tenth part of the Act refers to the mode of legal procedure "in all cases where no particular country is mentioned within her Majesty's dominions;" while the eleventh and last part deals with a few miscellaneous subjects, such as granting power to masters or owners of ships to enter into contracts, under certain circumstances, with Lascars or other natives of India for voyages to Great Britain, Australia, or other parts of her Majesty's dominions: to corporations for the granting of sites for the erection of sailors' homes: to the legislative

Various  
miscella-  
neous pro-  
visions.

<sup>1</sup> 25 & 26 Vict., chap. 63. This Act altered the law of 1854 by making the limit a sum dependent on the tonnage for 15*l.* per ton in case of damage for loss of life, and 8*l.* per ton for loss of goods. It was found that the law of 1854, by making the value of the ship and freight in all cases the limit of damages, gave a premium to bad, cheap, and ill-found ships, since the owner of the cheap ships could recover against the owner of the valuable ship up to a large limit, while the owner of the valuable ship could only recover against the other a very small amount. It also encouraged the conveyance of passengers in ships of an inferior description.

authority of any British possession for the repeal, alteration or amendment of any provisions of the Act "relating to ships registered in such possession:" and to the Commissioners of Customs to recover from the Consolidated Fund, or from the Mercantile Marine Fund, all expenses incurred by them in the conduct of suits or prosecutions raised under the Act.

Such are the leading provisions of the Merchant Shipping Act of 1854, one of the greatest, most useful, and salutary measures ever passed, the repeal of the Navigation Laws excepted, in connection with the mercantile marine of Great Britain.<sup>1</sup>

<sup>1</sup> I look back with great pleasure to the part I took, however humble, in connection with this great measure. Though it was the Act of Lord Aberdeen's Government, its credit is mainly due to Mr. (now Lord) Cardwell, then President of the Board of Trade, to Mr. (now Sir Henry) Thring, by whom it was drawn with great ability and care, and to Mr. T. H. Farrer, then Secretary of the Marine Department, whose clear head, sound judgment, thorough knowledge of maritime law, and unwearied exertions, were of the greatest value to the able minister under whom he acted. Perhaps, in the whole history of Parliament, no Bill at all approaching its dimensions and the multiplicity of subjects with which it dealt, was ever carried through the House of Commons with so much unanimity, and in so short a space of time, as the Merchant Shipping Act of 1854; and, as the manner in which this was done may be useful to the legislators of to-day and of the future, I shall endeavour to state the mode of procedure. Mr. Cardwell, having made himself thoroughly master of the subject by a careful study of the existing mercantile marine laws of our own and other countries in all their details, invited to the Board of Trade the representatives of all the leading seaports in the kingdom, and having furnished them with an outline of his views, wisely sought their aid in the construction of his great measure. He courted discussion in every form, and, in no instance, declined to receive a deputation from shipowners, sailors, and other persons who could furnish him with useful information on the subject. By such means he was able, not, however, without much labour, though it was unseen and unknown, to complete and perfect a most difficult and valuable legislative measure, the whole of the clauses of which he carried through the House of Commons in one day's sitting between the hours of 12.30 and 5.45! No such legislative feat has ever been performed before or since. Nor was it, indeed, a less perfect

In the following year (1855) an Act, which may <sup>Act of 1855.</sup> be taken as part of the great Act of 1854, was passed to facilitate the erection and maintenance of colonial lighthouses; to amend some of the clauses referring to light dues; to specify more distinctly the conditions of ownership and the nature of mortgages; and to exempt the owners of pleasure yachts from having their names and the port to which they belong painted on the stern, as in the case of merchant vessels. Additional powers were also given by this Act to naval courts abroad, in the case of misconduct of the master or crew: for the relief of destitute Lascars, and for other matters of minor importance.

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measure than various others of one quarter its size, which had occupied the attention of Parliament for as many days as the hours appropriated by the House to its discussion.

## CHAPTER XII.

Parliamentary inquiry, 1854-5, on Passenger ships—Heavy losses at sea previously, and especially in 1854—Emigration system—Frauds practised on emigrants—Runners and crimps—Remedies proposed—Average price, then, of passages—Emigration officer—Medical inspection—American emigration law—Dietary, then, required—Disgraceful state of emigrant ships at that time—Act of 1852—Resolution of New York Legislature, 1854—Evidence as to iron cargoes—Various attempts at improvement—Legislation in the United States, 1855—Uniformity of action impossible—English Passenger Act, 1855—Attempt to check issue of fraudulent tickets—General improvements—Merchant Shipping Act discussed—Extent of owner's liability—Unnecessary outcry of the Shipowners—Question of limited liability—Value of life—Powers given to the Board of Trade—Mode of procedure in inquiries about loss of life—Further complaints of the Shipowners, who think too much discretion has been given to the Emigration officer—Though slightly modified since, the principle of the Passenger Act remains the same—The “rule of the road at sea”—Examination now required for engineers as well as masters of steam vessels—Injurious action of the crimps—Savings-banks for seamen instituted, and, somewhat later, money offices.

Parliamentary inquiry, 1854-5, on Passenger ships.

ALTHOUGH by the Act of 1854,<sup>1</sup> as well as by previous Acts,<sup>2</sup> all Passenger ships were to be surveyed, the impulse given to emigration by the gold discoveries in Australia, and the increased demand for

<sup>1</sup> Merchant Shipping Act, 1854, clause 303, *et seq.*

<sup>2</sup> The first separate Act for regulating passenger ships was the 43 Geo. III. chap. 56. The substance of this Act and of all subsequent Acts will be found in the Appendix, No. 7, p. 600.



labour in America, combined with other causes, induced Parliament, in 1854, to appoint another Committee of the House of Commons, besides the one which sat in 1851, to inquire into this now important subject, and to pass an Act, in the following year which is the chief Act now in force (18 & 19 Vict. c. 119) exclusively directed to the conveyance of passengers by sea, more especially of that class of persons known as emigrants.

Between 1815 and 1854, inclusive, 4,116,958 passengers left the United Kingdom, being upon an average 102,923 persons annually. But of this vast number 2,446,802, or nearly three-fifths, emigrated during the eight years previous to 1854, and 1,358,096 of them in the previous four years. So great had the rage for emigration become, that in 1854, no less a sum than 1,730,000*l.* was remitted by settlers in North America to their relations and friends in the United Kingdom for the express purpose of enabling those who had been left at home to join them in their adopted country.<sup>1</sup>

Yet these acts of generosity and self-denial, altogether unparalleled in the history of the world (we have no record of any such acts in the great tides of emigration from the East, and in those which peopled Carthage from Phœnicia), had been performed during many previous years, the sums remitted for this purpose having varied from about half a million sterling to more than a million and a half annually. This rush for emigration having induced Shipowners,

<sup>1</sup> See 'Fifteenth Report of Emigration Commissioners,' 1855, p. 1, and 'Sixteenth Report,' 1856, p. 329.

Heavy  
losses at  
sea pre-  
viously,  
and espe-  
cially in  
1854.

eager to reap so rich a harvest, to place vessels in the trade, many of which were altogether unsuited for it, with other causes, compelled the Legislature to investigate the whole subject; the result being the comprehensive Passenger Act of 1855, which was passed not one day too soon. During the *seven* years ending December 1853, no fewer than *sixty-one* ships were lost in this trade, with the further lamentable loss of 1567 lives. In 1854, alone, *nine* emigrant ships were wrecked. Five of these were from Liverpool, including the *Tayleur*, stranded on Lundy Island, when 330 persons perished, and the *City of Glasgow*, having on board 430 souls, who, with the ship, were never afterwards heard of. The *Black Hawk* and *Winchester* foundered at sea in the great storm of the 15th and 17th of April; the *City of Philadelphia* steamer was wrecked on Cape Race, Newfoundland, in August, as well as the ship *Tottenham*, from Cork to Quebec, on Cape Breton, but, happily, in these instances no lives were lost.

Such were the disastrous total losses of British ships in 1854; and, although few or any of these losses can be attributed to unseaworthiness, the loss of life was so appalling, that the Legislature was led to bestow more than usual attention to the subject. But besides these, several ships were so seriously injured that they were compelled to return for repairs. One loss, that of the *Powhattan*, was a singularly melancholy one. This vessel sailed from Liverpool with German emigrants on board, and, after sustaining much other damage, was, afterwards, wrecked at Barnagat, off the coast by New Jersey,

during the gale of the 16th April : although stranded within eighty yards of low-water mark, and so near, indeed, that the unfortunate people on board could hear and reply to the suggestions made to them by persons on the land, not a single individual reached the shore, though the vessel did not break up for twenty-four hours after she struck.

But other causes had long been at work to render necessary a revision of the laws relating to passenger ships. The rate of passage being generally higher from Ireland than from Liverpool, on account of the difficulty of procuring cargo, most of the Irish emigrants were shipped on the decks of the coasting steamers to that port; thence, they either secured their passage through the Irish agents of the Liverpool brokers, or they found their way to that port at their own expense, and procured tickets for themselves. Others again, for they were nearly all of the very poorest class of persons, many of them having no means whatever after their passage and their little outfit were paid, acted on orders sent home from New York, their passage-money having been prepaid by their friends or relations in America.

In the first case, instances occurred where emigrants had paid their passage-money, or a part of it, to unauthorized or insolvent parties, and, on arriving at Liverpool, found no ship, nor any broker liable for the passage. In the case of orders remitted from America, the emigrant was of course liable to a similar fraud, with the additional aggravation that, the offence having been committed in a foreign country, there was no chance of obtaining redress for the sufferer or of punishment to the offender.

Emigration system.

Frauds practised on emigrants.

When, however, Irish emigration became so important, and such large sums were remitted from settlers in America, the business became more systematic and fell into more respectable hands.

Runners  
and  
crimps.

The moment, however, the emigrant set foot on the quay at Liverpool he was beset by a crowd of runners and crimps, one of whom seized his baggage and carried it to the lodging-house in the interest of which he was acting. This runner, besides plundering the emigrant to the extent, at least, of exorbitant charges for lodgings, received  $7\frac{1}{2}$  per cent. on the passage-money from the passenger broker; and, indeed, at one time, obtained this without any communication with the passenger. Although a clause in a previous Act<sup>1</sup> had been inserted to check so great an extortion, the system proved stronger than the law; and, notwithstanding further steps were taken to remedy this evil, the percentage was still demanded and paid, though the service was performed without authority. The passenger broker reimbursed himself for this tax by charging the exorbitant commission of  $12\frac{1}{2}$  per cent. against the charterer or shipowner; the charge ultimately falling upon the emigrant in the shape of an increased rate of passage.

The emigrant was further persuaded by the runner that it was necessary to lay in a stock of provisions for the voyage, together with other purchases, on all which the runner got a percentage. Great frauds were also perpetrated in "dollaring," that is, in exchanging money, in which the emigrant was robbed at least 20 per cent.

<sup>1</sup> 12 & 13 Vict. chap. lxxxi.



Although various plans were suggested to the committee, with a view of putting an end to the evils complained of, it is only necessary to refer to that part of the question which affects the actual shipping and conveyance of the passenger to his destination. It was generally agreed that the existing regulations were not stringent enough, the great object of the previous Acts having been to give as much security as possible to the passengers; but it was found impossible to obtain this without increasing the price of passage, which had fallen from 5*l.* in 1842 to 3*l.* 10*s.* in 1851, from Liverpool to New York, and about 5*s.* less to Quebec, including provisions. It is further to be noted that, though in 1842 the charge was higher, there was less given for it, as the Shipowners supplied only two-thirds of the amount of provisions provided at the latter period. While the law, in fact, had obliged the Shipowner to supply a larger quantity of provisions, restrictions as to the extent of the provisions added, together with a superior dietary scale, the money price of the passage had been materially diminished.

Remedies  
proposed.

Average  
price, then,  
of pas-  
sages.

In 1864, the inspection of passenger ships and provisions was carried on at Liverpool, for example, by an Emigration officer, and two assistants who were lieutenants in the Royal Navy. The Emigration officer had to satisfy himself of the seaworthiness of every ship which came under the Act; to see that no greater number of passengers were carried than her measured space would allow according to law; that her boats were sufficient, and that she had the necessary stock of provisions and

Emigra-  
tion officer.

water for the number of passengers to be carried, and that they were of good quality. He had further to attend to the complaints of the emigrants, and to procure redress for them where necessary. The provisions were tested by the arbitrary selection of some barrels of flour or oatmeal, which were bored through with an auger, so that a fair sample might be brought up and tasted. Whenever any suspicion existed, the inspection was more minute, and the duty of tasting became very irksome.

Medical  
inspection.

The medical inspection of emigrants took place at Liverpool, not on board the ship, but in an office adjoining the dock. The emigrant, taking with him his contract ticket, proceeded to the medical office, which he entered at one door, and, if approved on the inspection, had his ticket stamped, and passed out at another. He was compelled to produce his ticket on embarking. A system such as this naturally opened a door to fraud and personation, while, not unfrequently, after personal examination the emigrant contracted an infectious disorder, the infection spreading before the diseased person could be removed from the ship.

American  
emigration  
law.

By the United States Statute of the 22nd February, 1847, it was provided that the space to be allowed to passengers should be fourteen clear superficial feet of deck for each passenger, if such vessel did not pass within the Tropics. By an Act of 1848 this was so far altered, that when "the height between the decks is less than six feet, and more than five feet, each passenger shall be allowed sixteen superficial feet; but if the height between decks be less than five feet, then twenty-two superficial feet; and for every pas-

senger on the orlop deck, thirty feet. Under our Act, no ship could clear out that had not six feet between the decks. In some cases the law of the United States was but loosely observed; while other cases, doubtless, occurred where English vessels sailed from Liverpool to New Orleans with a number greatly exceeding what they could legitimately carry, but which they had reason to expect would not be noticed on their arrival. Owing, however, to some change of persons at the Custom House at New Orleans an inspection was instituted; two vessels were heavily fined, and one was confiscated. But it was found more difficult to provide against the frauds practised by the Shipowners in supplying bad or unwholesome provisions.

The amount of provision by the Parliamentary scale to each adult passenger per week was, viz., water, 21 quarts; biscuit,  $2\frac{1}{2}$  lbs.; wheaten flour, 1 lb.; oatmeal, 5 lbs.; rice, 2 lbs.; molasses, 2 lbs., to be issued in advance, at the interval of twice a week. Potatoes might be given in lieu of oatmeal or rice, in the proportion of 5 lbs. of potatoes for 1 lb. of oatmeal or rice; and, in vessels sailing from Liverpool, or from Scotch or Irish ports, oatmeal might be substituted in equal quantities for rice. The dietary was afterwards altered by the Act of 1851, an alternative scale being promulgated, with the substitution of beef or pork, preserved meat, salt fish, split peas, &c., &c., for bread-stuffs. This more expensive scale was adopted in the ports, whence English emigrants usually sailed; but, besides the legal supply, nearly every emigrant took with him some additional provision, such as bacon, eggs, &c., &c.

Dietary,  
then, re-  
quired.

Disgrace-  
ful state of  
emigrant  
ships at  
that time.

The filthy state of these ships during the passage was, at that period, worse than anything that could be imagined. It was scarcely possible to induce the passengers to sweep the decks after their meals, or to be decent with respect to the common wants of nature; in many cases, in bad weather, they could not go on deck, their health suffered so much that their strength was gone, and they had not the power to help themselves.<sup>1</sup> Hence, "between decks" was like a loathsome dungeon. When the hatchways were opened under which the people were stowed, the steam rose, and the stench was like that from a pen of pigs. The few beds they had were in a dreadful state, for the straw, once wet with sea-water, soon rotted; besides which, they used the between decks for all sorts of filthy purposes. Whenever vessels put back from distress, all these miseries and sufferings were exhibited in the most aggravated form. In one case, it appeared that the vessel, having experienced rough weather, the people were unable to go on deck and cook their provisions; the strongest maintained the upper hand over the weakest; and it was even said that there were women, who died of starvation. The passengers were then expected to cook for themselves (they no longer do so), and, from being unable to do this, the greatest suffering arose. It was at the commencement of the voyage, that this system, naturally, produced its worst effects. The first days were those in which the people suffered most from sea-sickness, and, under the prostration of body thereby induced, were wholly incapacitated

<sup>1</sup> See evidence taken in 1851, more particularly questions 4244, 3878, 3879, &c.



from cooking; the absence of food, if it does not aggravate, at any rate preventing recovery from sickness: and thus, even though the provisions might be honestly and liberally issued—casks in some cases being opened and placed on deck for every one to help himself—yet the passengers would be half-starved. It was time that a system, so barbarous and withal so unnecessary, should be altered.

In 1852, various recommendations made were carried into effect by a bill brought in by Mr. Frederick Peel; and, in 1855, the whole law was consolidated and greatly improved by the Passengers Act of that year. In fact, it cannot be denied that whatever improvements had taken place through the operation of the laws of 1849 and 1852, the passengers on board emigrant ships were still, as a rule, great sufferers.

The United States Legislatures bear convincing testimony on this point, as, on the 6th January, 1854, that of the State of New York passed a series of resolutions, calling the attention of Congress to the great and increasing mortality on board vessels engaged in the business of carrying emigrants *during the previous twelve months*, bringing forward undoubted evidence that such suffering and death resulted from insufficient ventilation, &c. The Senate, agreeing with the prayer of these resolutions, concurred, also, in the propriety of inquiry and further legislation. All intelligent, independent parties admitted, indeed, the expediency of concerting an effective system of co-operation between the two governments, so as to prevent an infraction of the regulations mutually agreed upon.

In conformity with the evidence adduced, frequent

Act of  
1852.

Resolution  
of New  
York  
Legis-  
lature,  
1854.

Evidence  
as to iron  
cargoes.

disasters to emigrant vessels were ascribed to the effects produced by cargoes of iron ; while the inconsiderate manner in which some owners, charterers, or brokers, even against the remonstrances of the commanders and officers, persisted in thus loading their vessels, was alleged to be a fruitful source of disaster.<sup>1</sup> It is likely that the mortality at sea was increased by such cargoes, as they made the ship labour heavily, causing her at the same time to ship a great quantity of water, with the further probability of producing leaks. The people, too, had then to work at the pumps, were hard fagged and badly fed. But the owners or charterers for a time resisted Government intervention, asserting that the Legislature ought not to fetter mercantile enterprise ; and, further, that, if ships were restricted as to cargo, the price of the passage must be raised. On the other hand, it was proposed to give a larger discretionary power to the Emigration officer, so as to prevent improper and dangerous stowage. The insufficiency of existing measures of precautions for the preservation of health ; the dietaries, the quality of the ships taken up for passengers, the runners, lodging, detention, &c., of emigrants, all became subjects of consideration, and, especially, the number of boats necessary to be carried.

Various  
attempts  
at im-  
prove-  
ment.

Accordingly, it appeared absolutely necessary that the authority of the Emigration officers to control the stowage of heavy cargo should be placed beyond doubt ; that the number of passengers for whom a surgeon should be required should be reduced from 500 to 300 ; that the Queen in Council should have

<sup>1</sup> See Captain Beechey's report on *Annie Jane*, pp. 61, 62.

authority to make special regulations, in excess of the law, for the prevention of sickness on board ship during the prevalence of epidemics ; that the space allowed under the existing Act should be increased ; that it should be obligatory to provide water-closets in the "between decks" for women and children ; that a more ample dietary should be prescribed ; that no ship should carry more than 500 passengers ; that the number of passengers necessary to bring a ship under the Act should be reduced from one to twenty-five to one to fifty tons ; that the exemption of ships carrying mails should be clearly defined ; that runners should be required to wear badges ; and, finally, that the subsistence-money in case of detention should be increased.

Concurrently with the proceedings taken on this side of the Atlantic, the Senate of the United States also took the matter up, but they relied, chiefly, on the answers given to a series of questions framed and addressed to parties competent to give information. Their recommendations, therefore, well deserve notice. Thus, they urged that a space should be reserved on the upper deck for exercise in proportion to the number carried ; that a ship's capacity should be limited by tonnage as well as space ; that, during the winter months, the number allowed in proportion to tonnage should be reduced ; that no passengers should be carried on an orlop deck ; that the number of privies should be increased, with separate accommodation for females ; that provisions should be issued cooked ; that rules should be established for the maintenance of discipline ; and, lastly, that the ship should be made responsible to the extent of the

Legislation in the  
United  
States,  
1855.



passage-money in the case of passengers dying at sea.<sup>1</sup>

The first Bill proposed in the United States did not pass. But, in 1855, a Passenger Act to regulate the carriage of passengers in steam-ships and other vessels, was introduced and became law. This latter Bill, though much less stringent than the Bill originally proposed, and in respect to space even less so than the previously existing law, introduced several new provisions of considerable value, the chief of which was a more ample dietary scale, and a provision that the master should, on his arrival, report every death on the voyage, and pay on account of such death a fine of 10 dollars. The fines so paid were made applicable to the care and protection of sick, indigent, or destitute emigrants; and the object in imposing the fine was to give the master of the ship a pecuniary interest in the health of his passengers. It was thought by some, that if this could be effected, a great step would be made towards improving their treatment on board. There was, however, a risk that masters would, by insurance, neutralise this interest, as was once attempted as respects the second moiety of passage-money in the case of emigrants sent to Australia.

Uniformity of action impossible.

Of course it was in the highest degree desirable that the laws of the United States and those of England with regard to passenger ships should be assimilated.<sup>2</sup> Indeed, various committees of the House

<sup>1</sup> The United States Passenger Act, passed in 1855, will be found in Appendix to 'Fifteenth Report of Emigration Commissioners,' pp. 106, 107, &c.

<sup>2</sup> Great exertions were made by this country to bring about so necessary an arrangement, and in 1870, '71, and '72, it was nearly



of Commons and many eminent philanthropists had urged this assimilation, the main protection for passengers being to be secured by an inquiry as to their treatment by officers appointed at the place of arrival. There can be no doubt that, with a view to a perfect system, the laws on both sides the Atlantic ought to be identical; but the United States government, apart from the necessary diversity of regulations in various States of the Union, is placed in this further difficulty. The United Kingdom is not the only, nor will it be, hereafter, the principal source from which emigrants reach the United States. Large multitudes depart from German, Belgian, and French ports, and in 1853 and 1854, many emigrants sailed from ports in Norway. The passenger laws in each of these countries differ from each other, and even more from the law of the United States. There was, therefore, an insuperable difficulty in framing, on the other side of the Atlantic, a law so general as to embrace the provisions of the several European laws, without making it so vague as to be practically worthless.

But our Passengers' Amendment Act of 1855, English Passenger Act, 1855. which came into operation on the 1st October of that year, made some important advances towards the law of the United States. The principal alterations introduced by this Act, beyond the regulations of 1852, were, that the number of passengers was limited; the age

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effected; but a question of jurisdiction has since then delayed its further progress. The pending United States election, and a question connected with consular jurisdiction, combined with a few other matters of less importance, now delay the settlement which I trust may soon be brought about, for nothing can tend so much to the advantage of two such great nations speaking the same language as free and easy intercourse.

of a "statute adult" reduced from fourteen to twelve years; a distinction was made between the upper and lower passenger deck; increase of space was allowed to passengers; mail steamers were exempted under special rules; the dietary scale improved; the amount of detention-money increased; and the emigrant runners placed under more efficient control.

One chief provision of the Passengers' Act required that an abstract thereof and of the Orders in Council should be posted up in each emigrant ship.<sup>1</sup> The Emigration Commissioners, in their report of 1857, give an opinion that the Act has worked satisfactorily; that the changes introduced have tended, materially, to add to the comfort and promote the health of emigrants, the returns of mortality in ships to the United States attesting the same result.<sup>2</sup> On the other hand, the reduction in the number a ship might carry, and the increase in the dietary, necessarily added to the expenses of the passage, and, to a certain extent, diminished for a time the amount of emigration. Further, the Commissioners stated that the runners, at the ports of departure, have been brought more effectually under control, so as to prevent many of the abuses formerly prevalent.

Attempt  
to check  
issue of  
fraudulent  
tickets.

In the United States, also, and especially at New York, efforts have been made to stop the frauds heretofore committed by this class on emigrants.

<sup>1</sup> An excellent compendium of the Act; and the Act itself will be found in Willmore and Bidell's 'Mercantile and Maritime Guide,' 1856, 223, *et seq.* The rules and Orders in Council are at pp. 244, 245.

<sup>2</sup> But the great cause of improvement was the introduction of steam ships especially adapted for the purposes of emigration, to which I shall refer very fully hereafter.

In that city, an establishment, under the control of the Commissioners for Emigration, has been set on foot at Castle Garden, to protect emigrants from runners, and from those who sell them fraudulent or false inland passage-tickets. In consequence of a representation from the United States Government, whereby it appeared that, the suppression in the States, of frauds connected with the sale of inland tickets had led to a system of selling the same description of tickets in Europe or on board emigrant ships, an official notice of this fact was given to emigrants, cautioning them that the safest course was not to purchase an inland ticket in England, but to defer making arrangements for the passage up the country, till their arrival at the port of debarkation. This notice, however, applied to the United States only; and it was stated, explicitly, that the through tickets given by the Grand Trunk Railway of Canada to emigrants proceeding to the St. Lawrence were not open to suspicion, and were, besides, of great benefit to the emigrant.

Among the improvements in ships carried out by the Emigration Commissioners, we should mention that they have introduced, of late years, a more suitable dietary for young children, with the making of fresh bread, two or three times a week, for the passengers. This change has been also authorized in private ships. Several new systems of ventilation have, also, been tried. In a sailing passenger ship, especially during the calms which prevail on the Line, their proper ventilation will always prove a matter of greater difficulty than is the case with a steamer, whose own motion is sufficient to create a

General  
improve-  
ments.

current of air. Further experience on this point is, however, necessary, though very considerable improvements have recently been made.

Merchant  
Shipping  
Act dis-  
cussed.

As great fault was found by the central committee of the General Shipowners' Society with the 504th section of the Merchant Shipping Act (Part IX.), which lays down the measure of the owners' liability, it may be desirable to state the nature of the complaints. This section of the Act provides :—

Extent of  
owners'  
liability.

1st. Where any loss of life or personal injury is caused to any person being carried in such ship :

2nd. Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board any such ship :

3rd. Where any loss of life or personal injury is, by reason of the improper navigation of such sea-going ship as aforesaid, caused to any person carried in any other ship or boat :

4th. Where any loss or damage is, by reason of any such improper navigation of such sea-going ships as aforesaid, caused by any other ship or boat, or to any goods, merchandise, or other things whatsoever on board any other ship or boat : No owner shall, in such cases where the events occur without his knowledge or privity, be answerable in damages to an extent beyond the value of his ship and the freight due, or to grow due, in respect of such ship during the voyage which, at the time of the happening of such event, as aforesaid, is in prosecution or contracted for, subject to the following proviso, that is to say : that, in no case, where any liability, as aforesaid, is incurred in respect of loss of life or personal injury to the passenger, shall the



value of such ship and the freight thereof be taken to be less than 15*l.* per registered ton.

The central body of Shipowners, while protesting<sup>1</sup> against the injustice of this Act, forgot that, in point of fact, the limitation of their liability was thereby secured, which it was not under the common law of England. They further contended that the 511th clause of the Merchant Shipping Act was inconsistent with the 504th clause, as the former enacts that parties seeking compensation may refuse to accept the indemnity awarded by the authorities constituted by the Act,<sup>2</sup> and may bring an action against the Shipowner for damages, by which he might be rendered liable to an amount in many cases involving the whole of his capital. But the clause providing that any person who is dissatisfied with the amount of statutory damages (30*l.* each person) may bring an action on his own account, enacts expressly "that any damages recoverable by such person shall be payable only out of the residue, *if any*, of the aggregate amount for which the owner is liable, after deducting all sums paid to her Majesty's Paymaster-General in manner afore-said; and, if the damages recovered in such action do not exceed *double* the statutory amount, such person is liable to pay all the costs as between attorney and client.

Unnecessary outcry of the Ship-owners.

Question of limited liability.

On the other hand, if, as was observed by way of illustration in the course of discussion, a bishop were to fall a victim to an accident, it might be con-

Value of life.

<sup>1</sup> See their annual reports.

<sup>2</sup> As the law is more especially applicable for emigrant ships, the "statutory damages therein named" are 30*l.* for each person.

sidered that an assessment of 30%. would not compensate the surviving members of the bishop's family for such loss. There can be no doubt that the framers of the present law, when repealing the old laws, endeavoured to deal substantial justice. They must have felt that, to exempt Shipowners from liability beyond the value of the ship and freight would, in too many instances, be an encouragement for unscrupulous persons to employ worn-out and inadequately-manned vessels in the conveyance of passengers and emigrants: and on the other hand, that to subject Shipowners, guilty of no fault or default, to unlimited liability for such calamities would induce men of property and character to withdraw their fortunes from so great a hazard.

Powers  
given to  
the Board  
of Trade.

To prevent as far as possible either of these evils, and to insure compensation for personal injury, or injury consequent from loss of life, was one great object of the existing Acts; and fully to carry it into effect, the Board of Trade has now power to require the sheriff to summon a jury for the purpose of ascertaining the number, names, and descriptions of all persons killed or injured by reason of any wrongful act, neglect, or default.<sup>1</sup>

<sup>1</sup> This power has only once been put in operation, viz., in the case of the *John*. Its real importance is only in the cases where the sufferers are very numerous, and too poor to bring actions for themselves. In these cases the Board of Trade acts for them.

But, in ordinary cases, the passengers' relations proceed for themselves. The owner pays the whole amount for which he is liable into the Court of Chancery, and that Court distributes it among all who have claims—whether in respect of life or of property.

The real defects in the Act of 1854 are well pointed out by the Committee of 1860: viz., first, that the law does not apply to foreign ships on the high seas, whether plaintiffs or defendants; and, secondly, that "value of ship and freight" is a premium on bad ships. These defects, as I have already pointed out, were remedied by the Act of 1862.

\* At such an inquiry the Board of Trade is plaintiff, and the Shipowner liable for the occurrence the defendant.<sup>1</sup> A special jury may be called, and the usual precautions as to costs are adopted. The Board of Trade may make any compromise it thinks fit as to damages, which are, in each case of death or injury, to be assessed at the statutory 30*l.*, and are made the first charge on the aggregate amount for which the owner is liable. The Act regulates the proceedings, and confers extensive powers on the Board of Trade in the distribution of the funds. With regard to any dissatisfied person claiming more, he is liable, if he does not recover damages to double the statutory amount, to pay costs to the defendant Shipowner; and, even if he obtains a verdict, the damages recoverable are still to be payable out of the residue, if any, of the aggregate amount for which the Shipowner is liable, after deducting all sums paid to Her Majesty's Paymaster-General. In cases, where several claims are made or apprehended, against the Shipowner for loss of life, personal injury, or loss or damage to ships, boats, or goods, he may appeal to the Court of Chancery to determine the amount of his liability; the question of liability or non-liability being left to another jurisdiction. But it has been held that a Shipowner, who applies to a court of Equity in order to obtain its assistance, must admit that he has incurred some liability. Of course, all costs in

Mode of  
procedure  
in in-  
quiries  
about loss  
of life.

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<sup>1</sup> As to the laws of foreign countries, see Evidence before Committee of 1860; also correspondence in Appendix, No. 3, pp. 571-82, and correspondence between Mr. Burns and the Board of Trade, Parl. Paper, No. 236, 19th May, 1871.

relation to these matters may be brought into account among the part-owners of the same ship, in the same manner as any other moneys disbursed for the use thereof.

Further  
complaints  
of the  
Ship-  
owners,

Some of the Shipowners complained of the re-introduction of a liability nearly unlimited as set forth in the 511th clause,<sup>1</sup> urging that foreign shipowners could not be rendered liable to its operation, and that Shipowners are expressly exempted from liability for damage caused by the negligence or misconduct of licensed pilots, on the very ground that their competency has been tested and approved by public authorities. This last argument is, however, wholly untenable, unless a perfect immunity is to be accorded to every ship-master who may have obtained a certificate of qualification. The municipal law of one State can only bind those subjects who owe allegiance thereto; but all civilised States frame regulations for the protection of life and property. It would be very difficult to suggest any improvement in the law. The provisions in the Merchant Shipping Act were the result of profound consideration, and ought to be deemed to have effected as reasonable an adjustment as is possible, between the owners of sea-going ships and persons sustaining damage.

who think  
too much  
discretion  
has been  
given to  
the Emi-  
gration  
officer.

With regard to the Passenger Act, the central body of Shipowners further complained of the discretionary power exercised by the Emigration officer; and, in recent reports, have called attention to those provisions which "while they harass the Ship-

<sup>1</sup> The shipowners suggested that every passenger should set a value on himself before he embarked!!



owner, do not in the least tend to the advantage, comfort, or safety of the passengers;” the consequence of so much being left to the discretion of the Emigration officer leading, as they thought, to this, that the mode of fitting out emigrant vessels depends mainly on his will, and varies, therefore, with each port from which the vessel sails.<sup>1</sup> The “fiend discretion,” as a well-known writer<sup>2</sup> has described it, is no doubt ever abhorrent to Englishmen, who watch, with Constitutional jealousy, the rights of property and of the subject. But it is, indeed, the cardinal difficulty of administration. A hard and fast law stops improvement, and reduces everything to a dead level. Discretion may be tyranny. The experience, however, of the frauds, oppression, and cruelties, practised in former years on the unprotected emigrant, will, I doubt not, continue to operate on the Legislature, and will prevent them from relaxing many portions of the present rigorous system, which has at least produced various salutary improvements.

Though modifications and alterations have been made in the Passenger Act of 1855, the most important of which has been the transfer of its management from the Emigration Commissioners to the Board of Trade, its leading principles are still unchanged, and these, in their main features, have now been adopted by nearly all other countries. The changes most worthy of note are to be found (Clause 35, &c.) in the Merchant Shipping Acts Amendment Act of 1862, which gives the owner or master of any passenger ship power to reject, as a passenger, any “drunken or disorderly” person; or to land

Though slightly since modified, principle of Passenger Act remains the same.

<sup>1</sup> Report, 23 June, 1858.

<sup>2</sup> Sir William Jones.

such person, or others, as “molest or continue to molest any passenger,” at any convenient port in the United Kingdom. Power is also given in this Act to inflict a penalty, not exceeding 20*l.*, on any passenger who interferes with the crew in the execution of their duty; or “who wilfully does, or causes to be done, anything in such a manner as to obstruct or injure any part of the machinery or tackle of such steamer.”

The  
“rule of  
the road at  
sea.”

The Act of 1862 also laid down more clear and distinct sailing rules; and as these are of great importance, I furnish them at length in a footnote.<sup>1</sup>

<sup>1</sup> *Steering and Sailing Rules.*

Art. 11. If two sailing vessels are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Art. 12. When two sailing ships are crossing, so as to involve risk of collision, then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side; except in the case, in which the ship with the wind on the port side is close-hauled and the other ship free, in which case, the latter ship shall keep out of the way; but, if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

Art. 13. If two ships under steam are meeting end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Art. 14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

Art. 15. If two ships, one of which is a sailing ship and the other a steam-ship, are proceeding in such directions as to involve risk of collision, *the steam-ship shall keep out of the way*, and pass astern of the sailing ship.

Art. 16. Every steam-ship, when approaching another ship, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam-ship shall, *when in a fog, go at a moderate speed.*

Art. 17. Every vessel overtaking any other vessel shall keep out of the way of the said last-mentioned vessel.

For these rules the country is greatly indebted to the exertions of Mr. Milner Gibson, when President

Art. 18. Where, by the above rules, one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following Article.

Art. 19. In obeying and construing these rules, due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary, in order to avoid immediate danger.

Art. 20. Nothing, in these rules, shall exonerate any ship, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

Mr. Thomas Gray, one of the Assistant Secretaries to the Board of Trade (Marine Department), feeling how important it would be to have these rules impressed upon the minds of all navigators, and knowing what effect rhyme has in bringing at once to recollection, for instance, the number of days in each month, put with great tact and ingenuity these rules into verse, thus :—

1. Two steam-ships meeting.

“ When both side-lights you see ahead,  
Port your helm, and show your *red*.”

2. Two steam-ships passing.

“ *Green to green, or red to red,*  
Perfect safety—go ahead.”

3. Two steam-ships crossing.

*Note*.—This is the position of greatest danger; there is nothing for it but good look-out, caution, and judgment.

“ If to your starboard *red* appear,  
It is your duty to keep clear;  
To act as judgment says is proper—  
To port, or starboard, back, or stop her !

“ But when upon your port is seen  
A steamer's starboard light of *green*,  
There's not so much for you to do,  
For *green* to port keeps clear of you.”

4. All ships must keep a good look-out, and steam-ships *must stop, and go astern*, if necessary.

of the Board of Trade, without whose practical knowledge of the subject (as a first-class yachtsman

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“Both in safety and in doubt  
Always keep a good look-out ;  
In danger, with no room to turn,  
Ease her—stop her—go astern !”

These appropriate but simple rhymes have been translated into various languages, and, I doubt not, have been the means of preventing numerous collisions and other accidents at sea. It may be amusing and instructive to add that, when the question of lights for ships and rules of the road at sea were under consideration, the French Government wrote to our Government proposing a Maritime Congress to settle them. We replied in substance, “No. A Maritime Congress of sailors of different nations and languages will be a Babel. But we will heartily co-operate with you ; we will propose a draft of rules and submit them to you. If France and England can agree on this, other nations will probably join.” France adopted our proposal most cordially, and we set to work. At that time we were fortunate enough to have Mr. Milner Gibson at the Board of Trade, who united, as I have explained in the text, what scarcely any other man would have done, perfect knowledge of the subject, a clear, logical, and sensible understanding, and a remarkable power of making other people agree. Not without difficulty, a set of rules was, under his leadership, framed by the Admiralty, the Trinity House and the Board of Trade acting together. These rules were sent to the French Government. They approved them, making some valuable criticisms, but, chiefly, criticisms of detail. We then said, “Now let there be no question of national vanity ; no quarrel as to who originated these rules. Do you publish them in your *Moniteur* on a given day, and we will, on the same day, publish them in our *Gazette*, merely stating that the rules had been jointly settled by the two Governments. This, as might have been supposed, was agreed on. To the surprise, however, of every one connected with the facts, the *Moniteur* some time before the day fixed, published a long story to the following effect:—“That the French Minister of Marine had long been alive to the dangers to which navigation was exposed for want of such rules ; that he had communicated his apprehensions to his colleague, the French Foreign Minister, who sympathised with him ; that he, the French Minister of Marine, thereupon prepared a set of rules, which he sent to his colleague ; that the French Foreign Minister submitted these French rules to the English Government ; that that Government gave them its cordial and grateful approval ; and that both Governments then agreed to adopt them. Therefore, they were to become law !”



and navigator), and his patience and temper, the nautical men connected with the Board of Trade and Trinity House, as well as various naval officers, in office and out of doors, would never have consented to them. Even now we frequently read in the daily press letters opposed to these rules, just as we find writers on finance who have their currency hobbies, and who are not, and never will be, satisfied with Sir Robert Peel's Bank Charter Act of 1844.

By the Merchant Shipping Act of 1854, the master and chief mate of all sea-going vessels, whether sailing ships or steamers, are, as I have already explained, required to possess a certificate of previous servitude or of competency. The Act of 1862 extended, and to great advantage, the principle of examination, also, to engineers engaged in sea-going steamers, who, since then, have been required to undergo an examination, and produce certificates of good conduct and sobriety. Their certificates of competency are of two grades—first class and second class. Any sea-going home-trade *passenger* steamer, or any foreign-going steam-ship of more than one hundred horse-power nominal, must, therefore, now carry, at least, one engineer who possesses a certificate of competency; and all steamers of greater power must have, at least, two such engineers, one of whom may be of the second class. But all engineers who had served as such in sea-going vessels, previously to the 1st April, 1862, were entitled to a certificate of service, and were not required to undergo an examination.

Examination now required for engineers as well as masters of steamships.

Though many owners of steam-ships were strongly opposed to any legislative interference with the en-

gineers whom they employed, alleging, among other reasons, that they were thus frequently prevented from promoting men in their service who had served them well and faithfully—as for instance, those in an inferior capacity, such as the head stoker—there can be no doubt that the effect of the law, enforcing these examinations, has been as salutary in the case of engineers as it has proved in the case of masters and mates. There may be exceptions to the rule, but, on the whole, the requirements of the Act have tended, materially, to improve the class of men now employed as engineers on our merchant steamers, and have, as such, been generally accepted by the men themselves.

But, before closing my remarks on the mercantile marine legislation of the twelve years subsequent to the repeal of the Navigation Laws, there is one measure, apparently trivial in itself, which has been a great boon to our seamen. Before any of these Acts came into operation, they, as I have endeavoured to show, were to a great extent under the control of a class of men familiarly known as “crimps,” who were the “sailor’s agents.”<sup>1</sup> They found him a ship, discounted his advance note at usurious rates, assisted him to receive his wages at the end of the voyage,<sup>2</sup>

<sup>1</sup> See evidence at great length on this subject before Merchant Shipping Committee of 1860; and especially before Royal Commission on unseaworthy ships of 1873-4.

<sup>2</sup> From having been myself trained in the fore-castle of a ship, I am familiar with the character and habits of sailors at sea. Though I have found among them some worthless characters, as may be found in all other branches of trade, and a few scheming and clever but bad men, who were the leaders in all mischief, known frequently as “sea lawyers,” the sailor at sea is usually an industrious, thrifty, and, I may add, a sober man. You will find him in the “dog watches,” or during the Saturday-afternoon holidays, making, mending, or washing his clothes;

and taught him how to spend them. Previously to the Act of 1850, seamen, on the termination of a voyage, were either paid their wages on board

Injurious  
action of  
the crimps.

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his trousers, his chief garment, are cut out from a roll of canvas stretched on deck, by means of his jack knife, and usually consist of only two pieces ingeniously stitched together; being, consequently, too flat behind, but having the highly-approved and familiar straight legs. He takes a particular interest in his sea-chest and its contents, and is often to be found arranging them and seeing that they are all in good order. As he approaches home, after a long voyage, you may see him figuring with a bit of chalk on the lid of his chest the amount of wages he will have to receive, and frequently hear him relating to his ship-mates how he intends to dispose of them, and his mental disposition of them is usually wise and generous. But, as soon as he goes on shore, his character seems to change, and there he too frequently throws his hard-earned wages away in drink, folly, and vice. I had, when a youth, seen something of the sailor in his usual rendezvous on shore as well as at sea, but nothing good or evil that I remember worthy of note. Therefore, when changes relating to his condition and welfare were contemplated, and when, as a member of the House of Commons, it was likely that I should be expected to aid in effecting those changes, I resolved to see more of Jack on shore than I had ever done before. With that object, I frequently dressed in the rough garb of a coasting skipper or mate. I might have saved myself the trouble of changing my usual attire, for few knew me then in person, and, at best, I never looked better than the character I assumed. Thus attired, I made frequent nightly visits to the public-houses and dancing saloons in Ratcliffe Highway, and in the vicinity of the London and St. Katherine's Docks, the usual haunts of sailors and of their varied and very questionable "friends." With my pipe and pint of beer, I sat often for hours among them, and thoroughly made myself master of "Jack on shore" and of his depraved companions. Poor fellow! he was, so long as his money lasted, the victim of them all. Sometimes the whole of his earnings were lost or stolen from him in the first night's debauch. As you entered these gaudy but wretched saloons, you could at once distinguish in the throng the sailor who had just come on shore, and the sailor out-of-elbows in search of another ship. I shall not attempt to describe these places, of which there are still too many in the East end of London; it is sufficient to state that vice in its darkest forms, without one redeeming spark, held high revel there. They were, indeed, loathsome "hells." I gained from them, however, a knowledge which I could not otherwise have obtained, and which I hope proved of some service to the Board of Trade when they were framing their excellent measures for the improvement of our mercantile marine.



ship, or at the office of the Shipowner or his agents. In either case, the crimps, most of whom were keepers of low lodging-houses or beer-shops, were in attendance upon the sailors, and he, who had to receive the largest amount of pay, was attended by the most numerous and obsequious of these vultures, each ready to prey upon him. Suspecting no wrong, Jack was too frequently induced, after he had received his wages, to partake, on the invitation of the crimps, of a glass of grog or a pint of beer at the nearest public-house, and this, apparently, friendly intercourse too often produced the most lamentable results.

Savings-banks for seamen instituted ;

To obviate, or rather to mitigate if possible, these evils, the Commissioners for the reduction of the National Debt were empowered, by the Merchant Shipping Act of 1854, to establish Savings-Banks for seamen ; and, by the Seamen's Savings-Bank Act of 1856, these banks were placed under the control of the Board of Trade, which was authorized to open "a central office in London, together with branch savings-banks at such ports and places in the United Kingdom as they may think expedient," where "seamen, or the wives, widows and children of seamen," might make deposits, not exceeding at one time 200*l*.

and, somewhat later, money-order offices.

Under this Act, the Board of Trade has opened at all the shipping offices throughout the United Kingdom a department where the sailor, on his discharge, may deposit the whole or any portion of his wages ; or may, by means of a money-order office, since added, remit them to his relations or friends. The effect has been salutary, inasmuch as the sailor is thus, to some extent (less than I could wish), pre-



vented from being plundered by depraved persons, whose chief occupation consists in getting what they can out of him. Although Jack may still desire to retain from his wages enough for the proverbial "spree" or jollification after a long sea-voyage, too large a portion of his earnings still go to crimps and other depraved persons; but as a considerable amount is now either deposited at the savings-bank or remitted home, the crimp has less inducement to offer his very questionable services to the sailor than he had before this excellent Act came into operation.<sup>1</sup>

<sup>1</sup> During the year ending 20th November, 1874, 50,182*l.* 15*s.* 6*d.* was received at the Seaman's Savings-banks, and 45,964*l.* 9*s.* 10*d.* paid away, leaving to the credit of the seamen depositors, with interest, 81,116*l.* 1*s.* Since the money-order offices were opened in 1855, there has been received through these offices at ports in the United Kingdom and ports abroad, up to the close of 1874, 4,827,093*l.* 1*s.* 11*d.*, and remitted to 804,208 persons the sum of 4,822,338*l.* 14*s.* 8*d.* See Parl. Papers, Seaman's Savings-banks and Money-orders, 161, 21st April, 1875. I most sincerely trust that Government will do everything in its power to encourage and induce seamen to make more use than they now do of these most valuable offices. These and education, more than stringent legislative enactments, are the instruments whereby the power of the crimp is to be crushed, and our seamen elevated to the position of our mechanics.

## CHAPTER XIII.

Scarcity of shipping at the commencement of the Crimean War—  
 Repeal of the manning clause—Government refuses to issue letters  
 of marque—Great increase of ship-building and high freights—  
 Reaction—Transport service (*notes*)—Depression in the United  
 States—The *Great Republic*—Disastrous years of 1857 and 1858—  
 Many banks stop payment—Shipowners' Society still attribute their  
 disasters to the repeal of the Navigation Laws—Meeting of Ship-  
 owners, December 15th, 1858—Their proposal—Resolution moved  
 by Mr. G. F. Young—Mr. Lindsay moves for Committee of Inquiry—  
 Well-drawn petition of the Shipowners—Foreign governments and  
 the amount of their reciprocity—French trade—Spanish trade—  
 Portuguese trade—Belgian trade—British ships in French and  
 Spanish ports—Coasting trade—Non-reciprocating countries—  
 Presumed advantage of the Panama route—Question discussed—  
 Was the depression due to the withdrawal of Protection?—Board of  
 Trade report and returns—English and foreign tonnage—Sailing  
 vessels and steamers in home and foreign trades—Shipping accounts,  
 1858—Foreign and Colonial trades—Probable causes of the depres-  
 sion in England and America—American jealousy and competition  
 —Inconclusive reasoning of Board of Trade—Government proposes  
 to remove burdens on British shipping—Compulsory reciprocity  
 no longer obtainable—Real value of the Coasting trade of the United  
 States—Magnanimity of England in throwing open her Coasting trade  
 unconditionally not appreciated by the Americans.

Scarcity of  
 shipping  
 at the  
 com-  
 mence-  
 ment of  
 the  
 Crimean  
 War.

THE spring of 1852 ushered in the dawn of brighter  
 days for the disconsolate and "ruined" British ship-  
 owner: he could then, at least, obtain, with prudent  
 management, a moderate remuneration on his capital,  
 but there was no actual scarcity of tonnage until 1854.

Freights, as we have seen, had no doubt materially risen in the interval, because we had hesitated to increase the number of our ships, while foreigners, with the exception of the Americans, had refrained from rushing into the trade we had opened for them to the alarming extent anticipated. Consequently, there was, hardly, tonnage enough to meet the requirements of commerce created by the abolition of our Navigation Laws, still less to satisfy the sudden demands which arose when, in March 1854, England and France declared war against Russia. Suitable vessels could not then be found in sufficient numbers to send forth, with the requisite despatch, the allied armies and their supplies to the scene of action ; nor, I must add, could British seamen be obtained to man with expedition our ships of war. Government, therefore, threw open our Coasting trade, and repealed the once famous manning clause, which, however, neither increased, on the average, the number of foreigners we had hitherto been allowed to employ in our ships, nor deteriorated the number and quality of British seamen, though aiding, at the time, the more expeditious equipment of our fleets.

Repeal of  
the man-  
ning  
clause.

But a much more important step affecting the interests of maritime commerce and the progress of mankind was taken in 1854. On the declaration of that unfortunate war, her Majesty in Council, in order to preserve the commerce of neutrals from unnecessary obstruction, waived the belligerent rights appertaining to the Crown by the law of nations, by declining to issue letters of marque or by confiscating neutral property on board of Russian ships, or neutral ships with Russian property on board, provided such

Government re-  
fuses to  
issue  
letters of  
marque.

goods were not contraband of war. She, however, reserved the right of blockade; a reservation by which I may remind my readers, her Majesty's subjects were, commercially, by far the greatest sufferers.<sup>1</sup>

Great increase of ship-building and high freights.

The extraordinary demands for shipping on the outbreak of war led to their production with still more extraordinary rapidity, and furnished, at the same time, the most convincing proofs that we had within ourselves resources far beyond all other nations for meeting the emergency of war, without the necessity of keeping up a large and expensive standing navy, especially as such a navy must always be in a state of transition. The high rates of freight then offered for transports, ranging from 20s. to 30s. a register-ton per month for sailing vessels, and from 35s. to 65s. per gross register-ton for steamers,<sup>2</sup> produced not merely all the vessels required for our own transport service,<sup>3</sup> but, also, for the wants of France, whose armies without our aid could not have been conveyed to the Crimea.<sup>4</sup>

<sup>1</sup> See *ante*, vol. ii. *note*, page 312.

<sup>2</sup> Timber freights from Quebec rose from 30s. per load, the ordinary rate, to 55s. Coal freights to Constantinople advanced from 20*l.* to 70*l.* per keel of twenty-one tons four cwt.; and freights from India, which had previously ranged from 50s. to 80s., ran up as high as 180s. per ton.

<sup>3</sup> The new law of admeasurement, which came into operation on the 1st of January, 1855, while it produced great improvement in the models of our ships, had the important advantage of creating very little difference in the gross tonnage of the Empire, on which so many dues are levied, and thus rendered unnecessary any change in the long-established scale of charges, which in many cases would have been altogether impracticable. For instance, 1100 vessels, large and small, which were taken promiscuously, measuring under the old law 248,842 tons, were found under the new law to measure 231,277 tons, showing a difference of only 7 per cent.

<sup>4</sup> My own firm had somewhere about 100,000 tons of shipping (a large proportion of which consisted of steam-vessels) under our management



With such rapidity, indeed, were sailing ships produced, that the supply not merely soon overtook, but greatly exceeded the demand; the consequence, of course, being a great reaction in prices. Steam-vessels, in the construction of which there had been a large amount of speculation, likewise felt ere long the depression, and before the close of 1855 the rates for these had fallen to 40s. and 35s. per ton per month: the surplus steamers, however, found their way, in the end, to the advantage of all concerned, into trades formerly carried on by sailing vessels.

Although the Russian war had created at first an Reaction.

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engaged as transports for the Government of France. It was then that I for the first time met the Emperor. I had occasion to visit Marseilles with regard to the fitting of some of these ships, and, on my return to Paris, I had an interview with Marshal Vaillant, the then Minister of War, which led to an audience with his Majesty. I daresay the Emperor had sent for me to confirm, or otherwise, certain calculations of his own which he had been making as to the number of ships requisite to transport a given number of men, and so forth; for, after a long audience, I remarked at parting, "Sire, you had no need to send for me, as you know more about ships and their capacity than I do." The fact is, he was thoroughly master of the subject, and could tell me to a man the number of troops to be placed on a given ship, and to an animal the number of horses a ship of 1000 tons could or should carry from Marseilles to Kaemish; the space required for each, and for their fodder and water, the height of deck requisite to allow for the *toss of the head*; and the important, but not generally known fact, that though a horse must feel its own weight on its own legs at sea, it must also be slung, for if it lie down the chances are that it will not be able to get up again. At least, if the Emperor did not know all about these things when I entered the Tuileries, he was the most apt scholar I ever met, for he knew all about them before I left. I mention this circumstance because this audience, subsequently, enabled me to render some assistance in a matter of far greater importance to both France and England and to mankind, to which I shall hereafter refer, viz.: the change in the French navigation laws, which is more to the purpose of this work, than the transport of troops and horses to a field of slaughter.

unusual demand for vessels of every description, and had given an extraordinary impulse to ship-building, prudent shipowners soon foresaw that so sudden a rush of prosperity could not long endure without as sudden a revulsion, and "that it was fallacious to suppose that the same demand would continue even while the war lasted."<sup>1</sup>

Nor was it less apparent that the number of vessels engaged by Government exceeded what was *actually* required for the prosecution of the war, and that, if hostilities continued, the number would be materially reduced as soon as something like an organised system had been established.<sup>2</sup> Such, indeed, proved

<sup>1</sup> Annual circular of W. S. Lindsay & Co. for 1854, quoted in Tooke's 'History of Prices.'

<sup>2</sup> When war was declared, the greater portion of the work of engaging transports devolved upon the Civil Lord of the Admiralty; and though, perhaps, few men could have been found more competent for the duty than Captain (now Admiral Sir Alexander) Milne, who then filled that office, it was impossible for any one man to get through the work he was expected to do, especially with the system, or rather want of all system, which then prevailed. From my knowledge of what took place, I have no hesitation in saying that everything relating to the engagement of the requisite number of ships, and to the transport of troops and stores to the Crimea, was a huge chaos; and I fear some serious disaster would have ensued had the pluck and genius of the nation not come to the rescue in the mode of conducting affairs at home, as well as, so far as I could ascertain, in the field of action abroad. At home, there was certainly no organisation, so far as regards the transport service, or, at best, it was of the most imperfect description. Stores were shipped without bills of parcels, and, frequently, without bills of lading; and the current stories, at the time, of the shipload of boots and shoes which lay at anchor in Balaclava harbour unknown to our authorities, while the troops were bootless and shoeless; of the tops of mess tables sent to the Crimea without the legs, and of the guns without carriages, were no exaggerations. The Admiralty, it is true, were responsible for the transport of the troops; but the Civil Lord, by whom it was represented, had no control over shipments by either the Ordnance or by the Medical Departments. A case came under my own knowledge which would be ludicrous were it not melancholy.

to be the case; for, when a temporary Transport Board was appointed, various vessels were discharged, and the rates of freight for sailing ships, which had averaged 1*l.* 7*s.* 7*d.* per ton, fell to 15*s.* 10*d.* per ton. Indeed, there can be no doubt that, had there been a well-organised board in operation when war was declared, the sea transport service, which cost this country 15,000,000*l.* sterling during that brief and unhappy war, would have been far more efficiently conducted for two-thirds that amount.<sup>1</sup>

One day, when I had occasion to visit a transport which lay at Woolwich, two gentlemen, when I stepped on board, were wrangling over the main hatchway. One was from the Ordnance, the other was evidently in charge of certain medical stores which, with piles of shot and shell, lay on the wharf ready for shipment. The shot and shell representative insisted on having his goods in the centre compartment of the vessel because they were heavy; the other gentleman was as determined to have his physic stored in the same division of the ship because it was perishable. Each would have his own way; and, as neither would give way, after an hour's altercation, they, to the amazement and horror of the mate of the ship, came to a compromise by ordering the stores of both departments to be stowed in this one favourite position! It is needless to state the result; I may just, however, say that when the ship arrived at the Crimea it was found that the shot and shell had played sad havoc with the medicine cases, and that the floor of her centre compartment was strewn with fragments of fragile cases, demolished physic bottles, and countless numbers of squashed pill-boxes.

<sup>1</sup> When the war ceased, the Transport Board was abolished, and the mode of conducting this important branch of the public service reverted pretty much to what it had been previously. The Admiralty found ships for the transport of troops at home and to our colonies abroad, but a board at the India Office engaged vessels for all the troops and stores to and from our possessions in the East, while other departments had their own separate shipping offices; all of which, when vessels were in demand, were *bidding against each other*, and also against another department of the government, the Emigration Office. The rates of freight were, of course, materially enhanced by this unnecessary competition; and there would have been the same sad story to tell as in the case of the Crimea, had we been unfortunately involved in another war. Unable to obtain the necessary reform by

Great and unusual depression naturally followed the cessation of hostilities. Although wars and famines, however unfortunate and disastrous to the nation, afford rich sources of emolument to ship-owners, the adverse reaction is frequently sudden and severe. Before the close of 1857, our markets had become so overstocked with vessels of every kind, that it was hardly possible to obtain for them, in any branch of trade, remunerative freights.

Depres-  
sion in the  
United  
States.

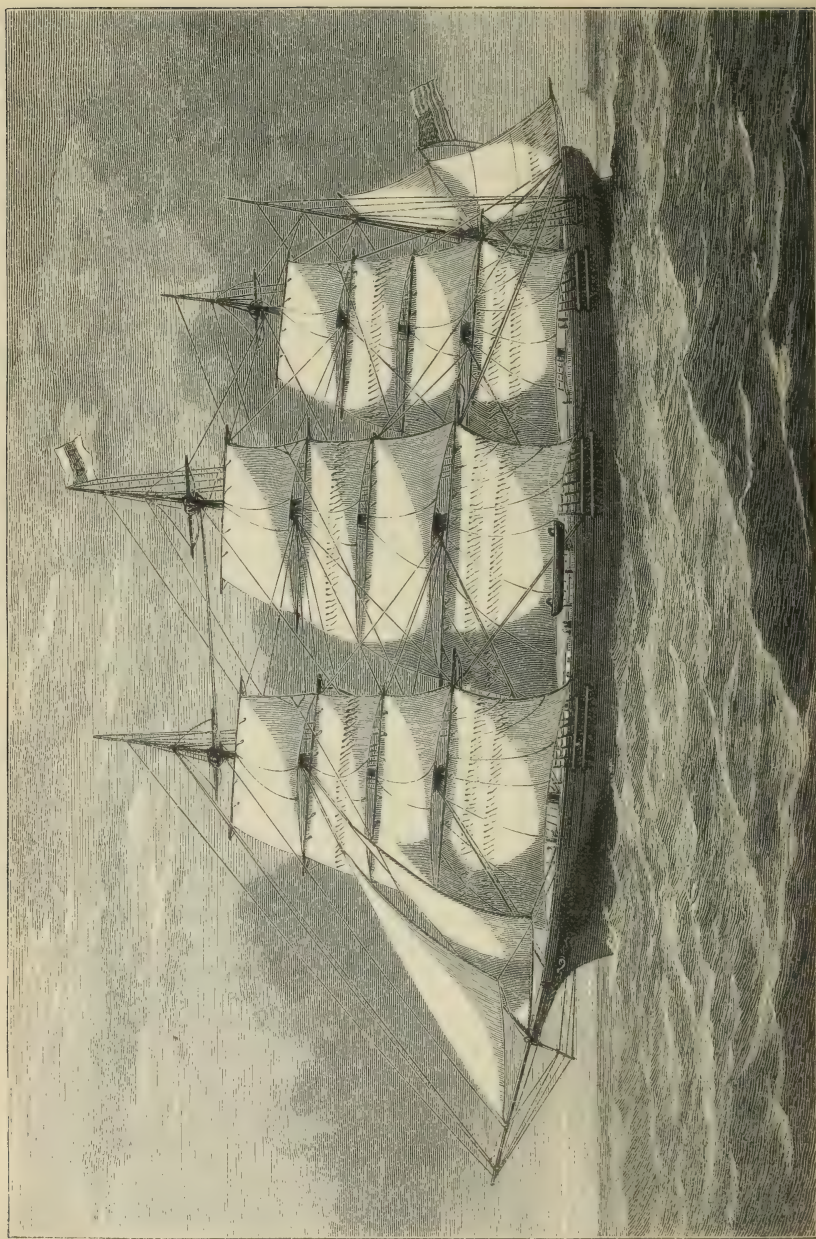
Nor were the Shipowners of the United States in any better position. They, too, had overbuilt themselves. Their exclusive Californian trade had offered so many inducements, and, in fact, such large fortunes had been realised out of it, that many more vessels than could be profitably employed were built in the Northern States between 1849 and 1854. Some of these were placed on the trade with Europe. A very large amount of capital had been invested in the famous ships thus employed; but even these, before the close of 1854, were becoming unremunerative, owing to the competition of British iron screw-

any other means, I, on the 5th of January, 1860, brought the existing state of affairs under the notice of the House of Commons (see 'Hansard,' vol. clviii. pp. 2051-2061), when a committee was unanimously appointed on my motion, "To inquire into the organisation and management of those branches of the Admiralty, War Office, India Office, and Emigration Board, by which the business of transporting, by means of shipping, troops, convicts, emigrants, materials of war, stores, and any other similar services, is now performed." After a diligent inquiry which lasted the whole session, the Committee did me the honour to almost as unanimously adopt my report. But some time elapsed before a permanent Transport Board was established, so numerous were the obstacles, or rather prejudices, which had to be overcome. That board is now, or ought to be, responsible for the conveyance of all troops and Government stores from their embarkation until landed at their port of destination.



steamers, which I shall very fully describe hereafter, as they were the main weapon, whereby we bade defiance to the competition of all other nations, in the general ocean race then just commenced. As these splendid iron ships soon commanded all the passenger traffic, and, at the same time, secured the preference by shippers of high-classed and valuable goods, which could afford to pay the heaviest rates of freight, many of the American clippers were obliged to seek employment elsewhere. As the *Great Republic*<sup>1</sup> The Great Republic. was one of the finest, as well as the largest of these famous vessels—indeed, she was the largest *sailing* vessel in the world, I furnish an illustration of her at page 360. But though this vessel and a large number of the American liners found temporary employment in the French transport service, they on the cessation of hostilities were obliged to seek employment elsewhere; and, so great was the depression, that American shipowners, in 1857, suffered quite as much as did

<sup>1</sup> The *Great Republic* belonged to the well-known mercantile firm of Messrs. A. A. Law & Co., of New York. When launched she registered 4000 tons; but, having unfortunately been partially destroyed by fire shortly after she was built, her upper deck was removed, thus reducing her size to 3400 tons. Her dimensions were 305 feet in length, fifty-three feet extreme breadth, and thirty feet depth of hold. She was fitted with double topsails, an American invention then rare in this country, but now very common; she had on board a steam-engine of eight horse-power for working ship, or loading and discharging cargo. She brought 3000 tons of guano as “ballast” from New York to London, and made the passage to the Scilly Islands in thirteen days, beating up the English Channel thence against an easterly gale in three days to the Downs. But, on her arrival in London, where she was consigned to the care of my firm, I found she was much too large to be employed, profitably, in any of the ordinary channels of commerce; and, had not the French Government, then in want of transports for the Crimean War, been induced, by the large space she afforded for the conveyance of their troops, to engage her for this purpose, she must have remained long after her arrival unemployed.



THE "GREAT REPUBLIC."

the generality of those persons who owned sailing vessels in Great Britain. Indeed, on the 1st January of the following year, there was not a single vessel building on the stocks of New York for the mercantile marine, and, for many months previously, the ship-builders throughout the United States had been at a complete standstill.

But all branches of trade throughout the world were now suffering to a greater or less extent, and 1857 and 1858 will long be remembered as gloomy years. The outbreak of the mutiny in India, the consequent suspension of remittances from the East, and the demand for specie, together with an uninterrupted outflow of the precious metals to the Continent, led to an alarming drain of the bullion in the Bank of England.

After a long struggle to maintain cash payments without pressing unduly on the mercantile classes, the rate of discount rose so high as to render necessary, for the second time, the temporary suspension of the Bank Charter Act of 1844. The effect of this twice-repeated measure was disastrous to many merchants engaged in the trade of the United States; not a few of whom were obliged to suspend payment. The stoppage of the Northumberland and Durham district Bank, with liabilities amounting to 3,000,000*l.* sterling; as well as those of the Western Bank of Scotland, which had been engaged in wild speculations in the United States and elsewhere, with liabilities to the extent of 8,911,000*l.*, and that also of the City of Glasgow Bank for 6,000,000*l.*, tended materially to increase the depression.

Disastrous  
years of  
1857 and  
1858.

Many  
banks stop  
payment.

The Liverpool Borough Bank, which had been



previously drained by the insolvency of various mushroom speculators in ships, failed for 5,000,000*l.*, and the Wolverhampton Bank followed for 1,000,000*l.* Many private mercantile firms, also, whose liabilities alone were variously computed at a sum not far short of 20,000,000*l.*, were, at the same period, obliged to suspend payment.

Ship-owners' Society still attribute their failures to the repeal of the Navigation Laws.

Through such overwhelming disasters, it was hardly to be expected that the Shipowners of Great Britain would pass unscathed, especially after the prosperity they had enjoyed during the Crimean War. Nevertheless, the General Shipowners' Society of London, in the report of the annual meeting, held on the 25th June, 1858, does not appear to have attributed the cause of the depression under which Shipowners were suffering to the revulsion in commercial affairs. On the contrary, they still held the strange delusion, that, so far as they were concerned, the repeal of our Navigation Laws, together with the absence of reciprocity on the part of foreign nations, were the main causes of suffering: curiously enough, too, the report attributed some portion of their misfortunes to the Merchant Shipping Act of 1854, and the Passenger Act of the following year.

Having thus, as they conceived, ample grounds for an appeal to Government, they, like the frogs before Jupiter, made an effort to induce Lord Derby, their great friend and patron, and then Prime Minister, to relieve their depressed fortunes.

Nor was this agitation for relief confined to the Shipowners' Society of London. Aberdeen, Dundee, Newcastle, Shields, and various other ports on the north-east coast, where, perhaps, foreign competition



was most severely felt, sent in petitions to Parliament; while numerous pamphlets appeared in which the ostensible cause of the Shipowners' suffering was duly set forth. We had the old stories retold of the huge Yankee ships eating up all their profits in the Indian trade, told, too, at a time when American shipowners were suffering quite as much as themselves. Nor did the authors of these pamphlets fail to remind us of our old hobgoblins, the Swedes and Norwegians, who, faring sumptuously on "black-bread," were carrying all before them in the Northern Seas and in the Mediterranean, to the irretrievable ruin of the hapless British shipowners.

Such tales of sorrow from the outports, including Liverpool, Glasgow, and those on the west coast of Scotland, where not a few of these "ruined" men had realised handsome fortunes during the Crimean War, made a deep impression on the bosom of the General Shipowners' Society of London, whose hearts had been softened by their own "losses."<sup>1</sup> They, too,

<sup>1</sup> When I was a member of the House of Commons, there was a great brewer, a most excellent man, who sat close to me on the cross benches, who frequently complained of the heavy "losses" he sustained in his trade. I was under the impression that the brewing trade was a very lucrative one, especially to persons like himself, who conducted it on a gigantic scale, and I was puzzled to understand how, in the face of such "losses," he could continue adding *vat* to *vat*, and rearing fresh mountains of beer-barrels every year to his brewery yard. Turning one night to a mutual friend who knew him more intimately than I did, I asked, in the simplicity of my heart, if it *really* was the case that the great establishment of which our friend was the senior was a losing concern. "It is so," he answered, "according to our friend's way of calculating; for every pound less than 75,000*l.* per annum, which is estimated as his share of the net profits, is booked as *toss*!" Such must also have been the way in which some of our large shipowners calculated their "losses" after the repeal of the Navigation Laws.

as we have seen, entirely coincided with their brethren of the outports as to the cause of the depression : and, while it was resolved to continue pouring in the petitions to Parliament expressive of their views and praying for relief, and, also, to stir up an agitation through the medium of pamphlets and that portion of the press which entertained similar opinions to their own, it was likewise considered desirable to make a combined effort by the means of a public meeting to be held in London, so that their sufferings and their wrongs might become generally known among all classes of the community.

Meeting  
of Ship-  
owners,  
December  
15th, 1858.

This meeting was consequently held at the London Tavern on the 15th December, 1858. The chairman, however, Mr. Duncan Dunbar, then one of the greatest individual shipowners in the kingdom, in opening the proceedings, declared that no idea was entertained of asking for a reversal of recent legislation, the delegates from the outports having previously come to the resolution to limit their demands to the consideration of the question of reciprocity, praying the Crown at the same time to put in motion the clauses of the Navigation Repeal Act, which authorize the Queen to retaliate on such foreign Powers as should refuse reciprocity, and to place the ships of these countries on, as nearly as possible, the same footing as that in which British ships are placed in the ports of such country.

Their  
proposal.

Volumes of statistics were brought forward by Mr. George Frederick Young, who appeared as chief spokesman, and, as heretofore, the undaunted champion of his party, to show that, though British shipping had increased since the repeal of the Navigation

Laws, foreign vessels frequenting our ports had done so in a far greater proportion. Mr. Young repudiated the idea—the “delusion”—that consumers were benefited by the reduction of freight to the full extent of the difference which must exist between the sum paid to the English carrier and the rate of freight paid to his foreign competitor; and concluded his remarks by a resolution to the effect that the existing “most deplorable and ruinous depression” had been partly caused, and was greatly aggravated by the unequal competition to which British shipping was exposed by the repeal of the Navigation Laws. Other speakers from Liverpool, Glasgow, Hull, Shields, Montrose, Dundee, and Aberdeen described the state of affairs in their several localities; and, finally, a petition to the Queen was agreed on, recapitulating the progress of legislation on the Navigation Laws, and alleging that the apprehensions entertained when that measure passed were fully verified by the result.

Resolution  
moved by  
Mr. G. F.  
Young.

Similar meetings were held in various other parts of the country, including Tynemouth and North Shields, which I then represented, and a wish was intimated to me from those places that I should bring the state of the shipping interest under the notice of the House of Commons.

Although I entertained very different views to those expressed at these meetings, I felt, nevertheless, that our Shipowners had many just causes for complaint; and that, though it was now alike beyond the power of the Legislature to control the rising destinies of other and rival nations, or even confine their mercantile marine within the narrow

limits prescribed by our jealousy, so as to remove all dread of foreign competition, there were yet many burdens from which they ought to be relieved, and many restrictions, to which they would never have been subjected by the State, had it not been considered that they derived peculiar benefits from the laws so long enforced for their supposed advantage.

Mr. Lindsay moves for a Committee of Inquiry.

Accordingly I moved for a committee "to inquire into the operation of certain burdens specially affecting merchant shipping," which after an interesting debate the House was pleased to grant.

But the committee had scarcely assembled when Parliament was dissolved, and it was not, until a new Parliament had met, that the subject was again brought under the notice of the House of Commons. In the meantime the Shipowners' Society of London had urged Government, in a letter of the 22nd February, 1859, for a reply to their petition praying the Queen to exercise the powers vested in her, and to put in force the retaliatory clause of the Repeal Act of 1849.

Well-drawn petition of the Shipowners.

This petition, I must state, was short and exceedingly well drawn. It gracefully avoided all matters of detail and controversy; the petitioners approached her Majesty, "animated by the most profound sentiments of loyalty," for which, indeed, I must add the Shipowners of the United Kingdom have ever been conspicuous; they represented "the ruinous state of depression" into which their interest was "plunged," and they "implored" her Majesty "to be pleased to extend to that important national interest such assistance and relief as her Majesty was enabled to afford



to it through the exercise of those powers which were vested by law in the Crown.”<sup>1</sup>

The petition was signed by the chairman, Mr. Dunbar, as representative of the meeting; by Mr. George Marshall, as chairman of the General Shipowners' Society; and by deputies from most of the leading seaports of the kingdom. From the weight and high character of the persons who had signed this petition, Government could not do otherwise than attach considerable importance to it, however much they may have differed from the mode of relief the memorialists prayed Her Majesty to adopt. Indeed, the time had arrived when it was desirable for Government to review the effects really produced by the repeal of the Navigation Laws, and to inquire into the burdens and restrictions to which British Shipowners were still subjected. Nor was it less necessary to direct attention to the state of foreign legislation with regard to British shipping, since the removal by us of all restrictions on the vessels of foreign nations engaged in the trade of the United Kingdom and her possessions. As the exposition of the bearing of these questions, necessarily, furnishes a complete insight into the Merchant Shipping of the country at that period, it is my duty to furnish the report of Government, if not in detail, at least at greater length than I might otherwise have done.

In this carefully considered document, it was, au- Foreign  
thoritatively, announced that France, Spain, and Por- Govern-  
ments  
and the  
amount  
of their  
recipro-  
city.

<sup>1</sup> See 'Copies of Address to the Queen from owners of British ships and others interested in the prosperity of British navigation, and of the subsequent correspondence relating thereto.' Presented to both Houses of Parliament, by command, 1859.

tugal, where partial restrictions on the ships of other nations were still maintained, were the only foreign Governments which had not extended complete reciprocity to British ships so far as regards the foreign oversea carrying trade.

French  
trade.

In France, under the treaty of 1826, British and French ships were on a footing of equality in the direct trade between the two countries; but, in the indirect foreign trade, in the colonial, and in the coasting trades of that country, British ships still laboured under serious disabilities.

Spanish  
trade.

In Spain, British ships were placed on a footing of equality with Spanish ships as regards all port and navigation dues, by a Royal order of September, 1852, having been, previously, subjected to heavy differential charges. But an excess of 20 per cent. was still levied on goods imported in foreign ships in the indirect trade, and, to this extent, British navigation was still unfairly treated there.

Portu-  
guese  
trade.

Restrictions were also maintained in Portugal on foreign ships in the indirect and colonial trades. In addition to the case of the above three countries, it must be also mentioned that, in Belgium, there was still charged a duty of 1s.  $1\frac{1}{4}d.$  per 100 kilogrammes on salt, when imported in British vessels, while in Belgian and Sardinian ships this article was free. But, in spite of this disability, the total tonnage of the two countries, respectively, entered and cleared, with cargoes or in ballast, in the direct trade, was, in 1857, only 143,341 tons, while the British shipping employed in it that year amounted to upwards of 364,000 tons.

Belgian  
trade.

It was admitted that the pursuance of this restrictive

policy would fully justify retaliation, more especially in the case of France and Spain; but the results exhibited in the appended Return<sup>1</sup> show that the trade transferable, by any such measure, from foreign to British ships was comparatively so small, as neither to operate as an inducement to the countries in question to relax their present system, nor to afford any material addition to British shipping. Another Return,<sup>2</sup> also, showing the total amount of British tonnage

British ships in French and Spanish ports.

<sup>1</sup> Table showing the total amount of French and Spanish tonnage which entered and cleared in the United Kingdom in the indirect trade, viz., trade with other countries than France and Spain respectively in each year, from 1853 to 1857 inclusive:—

		Entered.	Cleared.	Total.
France	.. .. 1853	23,554	85,052	108,606
"	.. .. 1854	23,284	122,763	146,047
"	.. .. 1855	24,094	55,164	79,258
"	.. .. 1856	21,618	79,288	100,906
"	.. .. 1857	36,401	125,775	162,176
Spain	.. .. 1853	11,606	20,085	31,691
"	.. .. 1854	18,681	14,068	32,749
"	.. .. 1855	6,180	8,883	15,063
"	.. .. 1856	8,200	4,810	13,010
"	.. .. 1857	12,720	10,373	23,093

2

		Entered.	Cleared.	Total.
France	.. .. 1853	35,160	23,367	58,527
"	.. .. 1854	33,955	47,709	81,664
"	.. .. 1855	104,147	127,630	231,777
"	.. .. 1856	198,842	152,919	351,761
"	.. .. 1857	66,845	46,383	113,228
Spain	.. .. 1853	24,967	109,591	134,558
"	.. .. 1854	67,051	123,373	190,424
"	.. .. 1855	91,416	105,166	196,582
"	.. .. 1856	52,030	102,663	154,693
"	.. .. 1857	..	..	..

which entered and cleared in French and Spanish ports respectively in the indirect trade in each year, from 1853 to 1857 inclusive, proves, to how small an extent, the shipping of these countries engaged in the indirect trade with the United Kingdom; the result being, that, in spite of the unequal restrictions, there was a larger amount of British tonnage employed in the indirect trade with those countries, than of the tonnage of such countries, respectively, in the indirect trade of the United Kingdom, to which they were admitted on equal terms with British ships. Further, the accounts accessible in Portugal, however imperfect, were sufficient to afford conclusive evidence that the British flag in no respect suffered from the competition of that country. Indeed, the total tonnage of Portuguese ships which entered and cleared in the direct and indirect trades of the United Kingdom in 1857 was only 56,606 tons, whereas the British tonnage employed in the direct trade alone with Portugal amounted in the same year to 234,423 tons.

If a comparison were made between the relative employment of British and French tonnage in the whole trade of France and the United Kingdom, respectively, direct as well as indirect, it would appear that, in 1857, the total amount of British tonnage in French ports was equal to two-thirds of the French tonnage in its own ports; while, in the same year, the total French tonnage in British ports was, of course, in a very small proportion, indeed, to the amount of British tonnage in British ports, and considerably less than one-half of the amount of British



tonnage at French ports. Similar results were shown in the case of Spain.

Previously to the opening<sup>1</sup> of the coasting trade of the United Kingdom, British ships were admitted on equal terms with the National ships in the coasting trades of Hanover, Belgium, Oldenburg, Mecklenburg, Holland, Turkey (except foreign steamers for the Bosphorus), Monte Video, Paraguay, New Granada, and China. But, in consequence of that measure, the coasting trades of Norway and Sweden, Denmark, Prussia, Sardinia, and Tuscany were, likewise, opened to British ships on the same footing as national vessels.

The coasting trade, however, of the following countries was still withheld from British ships, and reserved for the national flag, viz., France, Papal States, Two Sicilies, Russia, Austria, Spain, Portugal, Greece, United States of America (as regards goods), Mexico, Peru, Chili, Brazil, La Plata, Venezuela, and Hayti.

As in the case of foreign trade, the Queen, in the exercise of the powers vested in her, might, doubtless, with perfect justice, exclude the shipping of these countries from the coasting trade of the United Kingdom; but, in this branch of trade, even more than in that of foreign trade, such a measure would have proved almost wholly valueless to the shipping of the United Kingdom.

The tonnage of each foreign State, engaged in the coasting trade of the United Kingdom in the year 1857 was absolutely insignificant, and, for all practical purposes, is still virtually monopolised by

<sup>1</sup> Act 18 and 19 Vict., chap. vii.

British shipping.<sup>1</sup> It will be observed that, both in the foreign and in the coasting trades, the countries which have reciprocated the liberal policy of the United Kingdom are those which have most benefited by the repeal of our restrictions, while the countries which continue to maintain unequal restrictions on British ships, and against which, alone, any measure of retaliation could have been directed, are those

<sup>1</sup> COASTING TRADE OF THE UNITED KINGDOM, 1857.

Nationality of Vessels.	ENTERED.				CLEARED.			
	Sailing Vessels.		Steam Vessels.		Sailing Vessels.		Steam Vessels.	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
Russian ..	4	1,603	..	..	5	1,729	..	..
Swedish ..	22	3,755	..	..	22	3,630	..	..
Norwegian ..	27	5,580	..	..	26	5,426	..	..
Danish ..	85	9,633	..	..	85	9,692	..	..
Prussian ..	50	9,953	..	..	44	9,043	..	..
Mecklenburg- Schwerin ..	17	3,600	..	..	19	4,400	..	..
Hanoverian ..	30	2,176	..	..	36	2,448	..	..
Oldenburg and Knyphausen ..	4	330	..	..	4	451	..	..
Hamburg ..	6	694	..	..	5	689	1	250
Bremen ..	..	..	..	..	..	..	..	..
Lubeck ..	..	..	..	..	..	..	..	..
Dutch ..	47	4,535	2	336	40	4,143	..	..
Belgian ..	4	593	..	..	3	337	5	840
French ..	4	507	..	..	9	854	..	..
Spanish ..	3	572	..	..	2	401	..	..
Portuguese ..	..	..	..	..	1	95	..	..
Sardinian ..	..	..	..	..	..	..	..	..
Tuscan ..	..	..	..	..	..	..	..	..
Papal ..	2	381	..	..	..	..	..	..
Two Sicilies ..	3	615	..	..	5	1,080	..	..
Austrian ..	1	387	..	..	4	1,002	..	..
Greek ..	1	312	..	..	2	532	..	..
America, U.S.	7	4,797	..	..	12	5,883	..	..
	317	50,023	2	336	324	51,835	6	1090
	Vessels, 319. Tons, 50,359.				Vessels, 330. Tons, 52,925.			

The Entrances and Clearances of British ships in the same year amounted to upwards of 80,000,000 tons!!

which have derived little or no advantage from the opening of British trade.

There is one other case noticed in the Board of Trade Report to which it is desirable again to advert, in considering the question of reciprocity, as this case has been made the subject of frequent complaint, viz., the exclusion of British ships from the trade between the Atlantic and Pacific ports of the United States of America.

The Government of that country has reserved, as we have seen, this trade to the national flag. In this report it is stated that they have done so, on the ground of its being a Coasting trade; and that they are supported, by analogy, in several other countries under similar geographical conditions: for example, the trade between the Atlantic and the Mediterranean coasts of France and Spain.<sup>1</sup> And, further, that, with reference to the technical difficulty, it would not be competent for the Queen, under the retaliatory clauses alluded to, to exclude United States ships from any branch of British trade, except the coasting trade of the United Kingdom; and it had been shown that the share of this trade enjoyed by the United States was so small, that such a measure could neither injure the United States nor benefit British shipping.

It was thought, moreover, that the value of this

<sup>1</sup> I have great doubt whether the Board of Trade was justified in making this statement. The Royal Decree of 10th December, 1852, refers to a Law 9th July, 1841, which I have before me; but, when the differential tonnage duty was abolished, the Gibraltar merchants presented addresses thanking the authorities for the *restoration* of the flag. The ports between the Garonne and the Bidassoa are, surely, not under similar geographical conditions as either the ports or voyage between the Hudson and the Columbia.

Presumed  
advantage  
of the  
Panama  
route.

branch of trade on the American coast had been greatly overrated. In the first place, it was obvious that every year would diminish its importance if the surmise was correct that the bulk of the trade between the two sea-boards of the North American continent would shortly be carried across the Isthmus of Panama, and would thus, be placed at the disposal of British ships.<sup>1</sup>

Question  
discussed.

Whatever opinion may be formed concerning the validity of this comparison, the Board of Trade assured the Shipowners that the Queen's Government had held on this question, that, although the inter-Oceanic trade of the United States might, in a strictly technical sense, be properly defined as a Coasting trade,<sup>2</sup> yet, on the broad ground of international equity, it should rather be regarded as analogous to the trade between the United Kingdom and her distant dependencies, and that British ships were, therefore, fairly entitled to participate in the former, in return for the complete assimilation of the United States to the British flag in the latter field of profitable employment.

It should, however, be remarked that, with reference to this question, the reservation of the coasting trade to national vessels does not appear to apply to

<sup>1</sup> I really do not see it in that light. British ships would, indeed, have a shorter voyage from England to California, but they would still be precluded from going from New York to California *viâ* the Canal or passage at the Isthmus. The restriction would continue and would prove even more vexatious, as might be shown in a variety of ways.

<sup>2</sup> I deny this altogether. I cannot admit that a ship taking a cargo from Cronstadt to Odessa, thus making almost the circumnavigation of Europe, could be justly deemed to be making a *Coasting* voyage, however much Russian municipal law might declare it to be so.



the carriage of passengers; so that, as far as can be ascertained, foreign vessels lie under no disability in the transport of passengers coastwise from port to port of the United States of America.

It remains now to inquire how far such depression can be, in truth, attributed to the withdrawal of protection from British shipping, and to the consequent unrestricted competition with the shipping of other countries; for it is, only, by an examination into general results, that any satisfactory conclusions upon this question can be arrived at.

Was the depression due to the withdrawal of Protection?

Now it is inseparable from the nature of all great changes of system that particular interests must, occasionally, suffer from causes which contribute to the general good; it is, therefore, possible in this instance, that particular trades may have been injuriously affected, while the general interests of British shipping have been promoted.

The statistical accounts of British tonnage employed at any given time afford a very imperfect test of the actual condition of the shipping interest, the more so as shipping is often employed with very inadequate remuneration; but this remark does not apply to periods of time extending over several years; hence, the shipping returns of the nine years since the repeal of the Navigation Laws may be fairly held to supply sufficient evidence of the influence that measure has exercised on the permanent interests of British shipping.

Consequently a table was prepared by the Board of Trade to show the total aggregate tonnage of British and foreign vessels, respectively, entered and cleared, with cargoes and in ballast, at ports of the

Board of Trade report and returns.

United Kingdom in each year from 1842 to 1857 inclusive, a period comprehending eight years before and eight years after the repeal of the Navigation Laws.<sup>1</sup>

English  
and  
foreign  
tonnage.

It will be seen from this table that during the first period British tonnage advanced from 6,699,995 tons in 1842 to 9,669,638 in 1849, being an increase of 2,969,643 tons.

In the second period it advanced from 9,442,544 tons in 1850 to 13,694,107 tons in 1857, being an increase of 4,251,563 tons.

In the same period the progress in the employment of foreign tonnage in the trade of the United Kingdom has been from 1842, 2,457,479 tons; to 1849, 4,334,750 tons; increase 1,877,271 tons. From 1850, 5,062,520 tons; to 1857, 9,484,685 tons; increase 4,422,165 tons.

It must be borne in mind, that these tables only

<sup>1</sup> Table showing the total amount of tonnage of British and Foreign Vessels respectively, with cargoes and in ballast, entered and cleared in the United Kingdom in each year, from 1842 to 1857 inclusive.

Years.	British.	Foreign.	Total.
	Tons.	Tons.	Tons.
1842	6,669,995	2,457,479	9,127,474
1843	7,181,179	2,643,383	9,824,562
1844	7,500,285	2,846,484	10,346,769
1845	8,546,090	3,531,215	12,077,305
1846	8,688,148	3,727,438	12,415,586
1847	9,712,464	4,566,732	14,279,196
1848	9,289,560	4,017,066	13,306,626
1849	9,669,638	4,334,750	14,004,388
1850	9,442,544	5,062,520	14,505,064
1851	9,820,876	6,159,322	15,980,198
1852	9,985,969	6,144,180	16,130,149
1853	10,268,323	8,121,887	18,390,210
1854	10,744,849	7,924,238	18,669,087
1855	10,919,732	7,569,738	18,489,470
1856	12,945,771	8,643,278	21,589,049
1857	13,694,107	9,484,685	23,178,792



period of protection, there was an actual decrease in the amount of tonnage built and registered, while a large increase took place in the second period of open competition.

Sailing  
vessels  
and  
steamers  
in home  
and  
foreign  
trades.

The next account shows the number and tonnage of registered sailing and steam vessels of the United Kingdom employed in the home and foreign trades respectively (*excluding repeated voyages*).<sup>1</sup>

On this return it is to be observed that there has been a greater progress in the tonnage engaged in the foreign trade, where competition exists, than in the home trade, where, although that competition

<sup>1</sup> Table showing the number and tonnage of registered SAILING and STEAM VESSELS (exclusive of river steamers) of the United Kingdom employed in the Home and Foreign Trade respectively in each year, from 1849 to 1857 inclusive.

EMPLOYED IN THE HOME TRADE.			EMPLOYED IN THE FOREIGN TRADE.		
Years.	Vessels.	Tons.	Years.	Vessels.	Tons.
1849	9,610	719,815	1849	6,694	2,089,037
1850	9,150	721,153	1850	7,235	2,188,420
1851	9,266	764,461	1851	7,411	2,348,892
1852	9,134	768,409	1852	7,580	2,449,364
1853	8,851	774,813	1853	8,357	2,791,224
1854	8,778	748,714	1854	7,418	2,759,120
1855	8,590	748,543	1855	7,957	3,018,951
1856	9,707	787,476	1856	8,551	3,190,011
1857	10,064	860,406	1857	8,100	3,168,105
EMPLOYED PARTLY IN THE HOME AND PARTLY IN THE FOREIGN TRADE.			TOTAL NUMBER EMPLOYED.		
1849	1,917	287,490	1849	18,221	3,096,342
1850	1,507	227,639	1850	17,892	3,137,212
1851	1,507	247,582	1851	18,184	3,360,935
1852	1,105	163,111	1852	17,819	3,380,884
1853	998	164,050	1853	18,206	3,730,087
1854	1,211	221,259	1854	17,407	3,729,093
1855	1,281	222,676	1855	17,828	3,990,170
1856	1,012	178,590	1856	19,270	4,156,077
1857	1,164	182,971	1857	19,328	4,211,482



is also allowed by law, it is only carried out to a trifling extent in practice, the latter having only advanced from 719,815 to 860,406 tons, while the former has advanced from 2,089,037 to 3,168,105.

It now remains to consider the shipping accounts for 1858.<sup>1</sup> These exhibited a decline as compared with those of the preceding years, and to this extent gave indications of the depression of which Ship-owners so much complained.

The accounts of December 1858 and January 1859,<sup>2</sup> if taken separately, showed that a favourable reaction had already commenced, and that British shipping

<sup>1</sup> Tonnage entered and cleared with cargoes and in ballast at ports of the UNITED KINGDOM, in 1857 and 1858 respectively.

	British.	Foreign.	Total.
1857	13,694,107	9,484,685	23,178,792
1858	12,891,405	9,418,576	22,309,981

Number and tonnage of SAILING and STEAM VESSELS built and registered in the United Kingdom, in 1857 and 1858.

	Vessels.	Tonnage.
1857	1278	250,472
1858	1000	208,080

<sup>2</sup> Total tonnage of BRITISH VESSELS entered and cleared with cargoes (*including repeated voyages*) in the months of December 1858, and January 1859, as compared with corresponding months of 1856-7-8.

	1856.	1857.	1858.	1859.
December .. .. .	848,762	853,619	970,174	..
January .. .. .	..	678,705	603,393	700,445

was, in the spring of 1859, recovering from the depression it had suffered ; and this fact was, naturally, much dwelt on by the champions of repeal, confirming, as it was supposed to do, the opinion expressed on the temporary and accidental character of this depression. This account, also, illustrates the state of the merchant shipping of England at a period preceding a continental war.

It was pointed out with a certain degree of triumph, that these three accounts, when taken together, afforded satisfactory evidence that, down to the close of 1857, the progress of British shipping had suffered no check nor reverse, and that the great development of the foreign tonnage, employed in the trade of the United Kingdom during recent years, was only partly attributable to the repeal of the Navigation Laws in 1849, the progress of foreign shipping in British trade having been nearly as rapid in the period of eight years prior to 1850 in consequence of the increasing requirements of British commerce.

The reason of the decline exhibited in the accounts for 1858 must, therefore, be sought from other causes ; and, probably, the commercial history of the previous few years is amply sufficient to afford the required explanation ; moreover, any loss we might, thereby, have sustained was more than counterbalanced by the extraordinary development of the foreign and colonial trades of the United Kingdom during the ten years preceding 1859.<sup>1</sup>

<sup>1</sup> As an indication of this progress, it is enough to show how vastly the exports of British produce had advanced in value in that period.

The commercial crisis, however, which occurred on both sides of the Atlantic, at the close of 1857, necessarily operated injuriously upon the progress of English trade, and consequently on English shipping. It must be also remembered that the Russian war, and, subsequently, the disturbances in British India, created a large and *abnormal* demand for tonnage, which ceased with the termination of those temporary causes; and, as tonnage employed exclusively in the Government transport service, does not appear in the preceding account, it is probable that, during 1858, there was a still greater check to the demand for tonnage than is therein expressed.

Probable causes of the depression in England and America.

The temporary depression was, however, by no means confined to the shipping of the United Kingdom, as we have shown; similar symptoms had manifested themselves in other maritime countries.<sup>1</sup>

Although the competition of British shipping in steam navigation had been the subject of loud complaint in America, it will be found that the decline in the building and employment of British shipping in 1858 was not so great in proportion as that which was indicated by the annual accounts of the imports

American jealousy and competition.

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Thus the Foreign Trade rose from 39,163,407*l.* in 1847, to 85,039,991*l.* in 1857, and the Colonial Trade from 13,686,038*l.* in 1847, to 37,115,257*l.* in 1857.

<sup>1</sup> The shipping accounts of the United States of America for the year ended 30th June, 1858, showed a corresponding decline in the employment of United States tonnage.

The total tonnage entered and cleared of United States ships in the two years 1856-7, and 1857-8, having been

1856-7, 9,302,021 tons.

1857-8, 8,885,675 tons; Decrease 416,346 tons.





especially if not diffused among his rivals in trade. At last, Government arrived at this conclusion about the condition of merchant shipping, that they could not attribute the actual depression of British shipping to the effects of increased competition with foreign shipping consequent on the repeal of the Navigation Laws; but that, considering the importance of the shipping interest in a national point of view, it was desirable that all partial and unequal burdens to which the shipping interest was still subject should be removed as soon as practicable. In this spirit, the repeal of the differential duty on foreign timber as the raw material of shipbuilding, and the abolition of passing tolls and other local burdens, which were still maintained without any equivalent in the shape of services rendered to shipping, were questions which deserved immediate consideration.

Government proposes to remove burdens on British shipping.

It cannot be denied that this very elaborate exposition of the state of merchant shipping completely cut the ground from under those Shipowners who still advocated Protection. They, however, went on cavilling "for a principle," and contended that the Spanish and French trades for instance might become valuable to the British Shipowner if the Governments of France and Spain would adopt the liberal policy pursued by England towards them in this respect; whereas, under the existing restrictions, British Shipowners lost many valuable charters, and were prevented from completing voyages otherwise profitable. The Shipowners refused to allow the validity of the argument, that the British Shipowner carried on a greater business in the indirect trade with France and Spain than the French and Spanish Shipowners

Compulsory reciprocity no longer obtainable.

in the indirect trade with England, and that, therefore, retaliation would neither operate as an inducement to those countries to relax their system, nor afford material addition to the field of employment of British shipping. They contended that the commercial navy of this country was larger than that of France and Spain combined; that, therefore, the Shipowners of these countries had not the means of engaging in an oversea trade to the same extent as the Shipowners of England, and that, consequently, the superior energy of the British Shipowner ought not be pleaded as a barrier to an act of justice. Nor did it, in their opinion, follow that, because the engagement of the Spaniard and Frenchman in the indirect trade with England was not larger and more active than that of the British Shipowners in the indirect trade with France and Spain, there was no inducement to the Governments of those countries to relax the present restrictive system, and no prospect, in the event of such relaxation, of increased employment of British shipping in the direction indicated. In fact, the London Shipowners thought the argument was entirely the other way, and would not be convinced to the contrary, whatever relative prosperity they might enjoy.

Real value  
of the  
Coasting  
trade of  
the United  
States.

With regard to the Coasting trade, all parties were agreed that the Americans acted selfishly in denying to England the same reciprocity for the coasting trade, which she had unrestrictedly conceded to them. The Shipowners, however, by no means acquiesced in the opinion given by the Board of Trade, that "the value of the American Coasting trade had been greatly overestimated." They said, and with

reason, that it was an error to imagine that because San Francisco formed the limit of the United States' coasting trade, the entrances and clearances at that port exhibited the entire amount of the trade along the American seaboard.

It was, indeed, an evasion to say that the American coasting trade, meaning the western coast only, never afforded employment to more than 200,000 tons of American ships. The records of these pages afford proofs to the contrary. All mention of the trade between the ports of the Northern States and those of the Gulf of Mexico is, for some reason or other, suppressed. All the vast and lucrative carrying trade between New York and Boston, New Orleans and Mobile and Charleston, is studiously kept out of view ; trades far more valuable than that of San Francisco and of the whole western coast, collectively. The argument, therefore, set up by the Board of Trade, "that the participation of the Californian trade, however desirable, cannot be regarded as a circumstance which could exercise any important influence on the shipping interests of Great Britain," was altogether unsatisfactory. Magnanimous as it was of the English Legislature to throw open the foreign, as well as the colonial commerce and navigation of the Empire, and the coasting trade afterwards, without imposing any previous conditions, such a liberal policy has, evidently, been unappreciated by the Americans, who seem resolved to monopolise all advantages resulting from their geographical position.

Magnanimity of England in throwing open her Coasting trade unconditionally not appreciated by the Americans.

## CHAPTER XIV.

Further returns of the Board of Trade, and address of the Shipowners' Society to the electors, 13th April, 1859—Shipowners' meeting in London—Character of the speeches at it—Mr. Lindsay proposes an amendment—Effect of the war between France and Austria—Mr. Lindsay moves for an inquiry into the burdens on the Shipping Interest, 31st January, 1860—Report of the Committee thereon—Views with regard to foreign countries—The Netherlands—The United States—Generally unsatisfactory state of the intercourse with foreign nations—The present depression beyond the influence of Government—General results of Steamers *versus* Sailing Vessels—The Committee resists the plan of re-imposing restrictions on the Colonial Trade—Difficulty of *enforcing* reciprocity—Want of energy on the part of the English Foreign Office—Rights of belligerents—Privateering abolished in Europe, America, however, declining to accept this proposal—Views of the Committee thereon, and on the liability of Merchant Shipping—Burden of light dues—Pilotage—Charges made by local authorities now, generally, abolished, as well as those of the Stade dues—The report of 1860, generally, accepted by the Mercantile Marine—Magnificent English Merchant Sailing vessels, 1859–1872—The *Thermopyla*—*Sir Launcelet* and others—Americans completely outstripped—Equal increase in the number as well as the excellence of English shipping—Results of the Free-trade policy.

BESIDES the statistical returns supplied by the Board of Trade on their report on the memorial of the Shipowners to her Majesty, this Board, on the 25th February, 1859, published further returns which were seized upon by the Shipowners' Association, and made the basis for an energetic manifesto ad-



dressed to the constituencies of the United Kingdom at the general election in the spring of 1859.<sup>1</sup>

The returns in question consisted of five statements, including the period from 1834 to 1858. They are too voluminous to be given here, but it was clear from them that, if the increase of the entrances and clearances of British ships at the ports of the United Kingdom, since the repeal of the Navigation Laws, had been 3,221,767, the increase of foreign ships on the other hand amounted to 5,083,826 tons. To these leading facts, the Ship-owners' Association, triumphantly, referred the different constituencies, and, although British ships in the eight years over which these returns extended, had increased to a far greater extent than they had in any similar previous period, the Association pointed to the still greater increase of foreign shipping, and implored the electors of the leading maritime ports to send such representatives to the new Parliament, who would be exponents of the opinions they sought to perpetuate; and who would save British Shipowners from the certain ruin in their opinion awaiting them, as was so clearly demonstrated by the "appalling" number of foreign ships frequenting our ports. Pertinaciously adhering in this celebrated manifesto to their extreme Protectionist principles, they now reasserted with confidence, and with a brazen front the more astonishing, after what they had previously admitted, every doctrine that had proved to be fallacious, every "fact" which had long since been shown to have had its origin in the regions of

Further  
returns of  
the Board  
of Trade,

and ad-  
dress of  
the Ship-  
owners'  
Society  
to the  
electors,  
April  
13, 1859.

<sup>1</sup> An Address of Shipowners to the Electors of the United Kingdom, 13th April, 1859.

fancy or fiction, every appeal to be saved from ruin as baseless as the shepherd's wolf cry, and every theory as visionary as their own fears; by such means, hoping to revive a system, which the Legislature and every class of the community, except themselves, had pronounced to be neither wise, just, nor beneficial. But, with these principles patent to the whole world, fully confirmed, too, as they were, by the extraordinary success resulting from the repeal of the Navigation Laws, they kept harping on the one string, that foreign shipping entering and clearing from our ports had, since that period, increased in a greater ratio than our own, and this one fact produced to a large extent the desired effect on the maritime portions of the constituencies.

It was vain to tell them that, under the new policy, we had increased our shipping to an extent far beyond what had been hitherto accomplished; or that the nation at large, by obtaining all it required from foreign nations at materially reduced rates, was greatly and proportionately benefited by the change. Nor was it of any use to show that our exports and imports, and, consequently, the general wealth of the country, had already increased far beyond the most sanguine hopes of even the Free-traders. To attempt to prove to a maritime constituency that the more intercourse we had with other countries the better it would be for us, and that the impoverishment of our neighbours by restrictive laws was not the best means of enriching ourselves, was then a mere waste of time, and all such arguments were, at too many of our seaports, only received

with scorn and ridicule. At all such places, the one fact I have named carried the day. Among various other seaport representatives who held Free-trade principles, I lost my seat for the Tynemouth boroughs; at least, I found such a phalanx of Shipowners arrayed against me, that I should have had a great struggle to retain it.<sup>1</sup> However, within a week, I found another seat at Sunderland, and, though the bulk of the Shipowners there, too, were opposed to my views, I was returned over my Conservative opponent (the late George Hudson) by a very large majority.<sup>2</sup> But it fared, otherwise, with many better men who lost their seats and did not find others.

[<sup>1</sup> I had served my constituents, I thought, well and faithfully for two Parliaments. I had fought to obtain reciprocity from foreign nations, before we repealed our Navigation Laws, the only time when we could have had any hope of obtaining it unless the statesmen of other nations became as enlightened as our own; and, having been defeated, I was then doing my utmost to assist in obtaining for them from our own Legislature, relief from the unjust and oppressive burdens with which they had been saddled during a period of protection; consequently, I could not but feel keenly the determined opposition which they, the Shipowners—men of my own class—for whom I had worked so strenuously, had organised against my return to Parliament.

<sup>2</sup> The numbers were, Fenwick, 1527; Lindsay, 1292; Hudson, 790. The contest was between Mr. Hudson and myself; but, though Mr. Hudson, better known as the "Railway King" during the fleeting days of his transitory power, was a strong Conservative, he had done so much for Sunderland through the railways which he brought into the town, and the magnificent docks constructed entirely through his influence, that I felt regret, at having been the instrument of his political expulsion from the representation of a port, where he had rendered such marked and valuable services. But I fear it is too true, that popular constituencies are sometimes as inconsistent as they are fickle. Henry Fenwick, whom Sunderland on that occasion, and deservedly so, returned at the head of the poll, and who was one of the best of members and the manliest of men, soon afterwards lost his seat, because the Government of the day, appreciating his many good qualities, had appointed him the Civil Lord of the Admiralty.

The one fact in the Shipowners' manifesto, apparently, strengthened their cause in Parliament. I say apparently, because though the new men were pledged to vote for the removal of all "grievances" in the shape of peculiar and special burdens and for "reciprocity," whatever that might mean, I question if any one of them would have voted for a reversion of our policy. It was idle to talk about it. "Protection to native industry" was gone, and gone for ever! England had adopted a policy which can never be reversed. But the General Shipowners' Society of London, elated with success, resolved to make one more determined effort to, at least, restore the Colonial trade to the vessels of Great Britain, and to induce Parliament to recommend her Majesty in Council to exclude from our carrying trade the vessels of those nations which did not reciprocate.

Ship-  
owners'  
meeting  
in London.

With these objects in view, they invited to their aid delegates from all the seaports in the kingdom, and every person of influence in and out of Parliament likely to aid their cause. Another public meeting was held in the London Tavern, at which Mr. R. W. Crawford, one of the members for the City, took the chair. I had, unexpectedly, received an invitation to attend, which I accepted, as the question to be discussed, apart from my duty to my constituents, was one in which I had a large personal interest. Knowing, however, that few persons in the vast assembly which had been got together agreed with the view I entertained, I took my seat, almost out of sight, in the rear of the platform. The meeting was, indeed, one of a most influential character. Many men were there whose cheque for



10,000*l.* would have passed as freely as a 5*l.* note, and whose hale and ruddy countenances did not at all betoken that they were on "the road to ruin." Perhaps it was malicious on the part of the 'Times' to describe the meeting "as the largest collection of political and commercial fossils which could be got together in these adverse days for political antiquarianism;" but it is quite true that their views, generally, so far as they could be comprehended, were certainly of an antiquarian character.

Mr. Frederick Somes, the member for Hull, who moved the first resolution, declared "that nothing but ruin could result to the shipping interest," if the existing policy was pursued; and Mr. Bramley-Moore, who seconded it, stated that "the coasting trade was gradually drifting into the hands of foreigners" (a very extraordinary statement in the face of the official returns), while he argued that, "we should have the right of selling to, as well as purchasing from, the foreigner," as if any person or any law prevented him from doing so if he pleased. Mr. George Marshall, one of our largest and most intelligent ship-owners, spoke, from experience, of the depressed state of British shipping, owing to the "inability to compete with foreigners;" and Mr. Duncan Dunbar told the meeting, but not in a doleful tone, for he was the jolliest of men, with the happiest of countenances, "that the very property he had made by his industry and hard labour was melting away like snow before the sun."<sup>1</sup>

Character  
of the  
speeches  
at it.

<sup>1</sup> When Mr. Dunbar died four or six years afterwards, he left behind him somewhere close upon one million and a half pounds sterling, the larger portion of which was made since the Free-trade sun had been allowed to shine upon his ships!

It was hopeless to expect that the Legislature would attempt to do anything, even if they could, for a body of men who, representing a great national interest, delivered such sentiments as these, and had, evidently, assembled for the purpose of obliging other people to make good any losses they might have sustained, if any there were, during the two previous years, while pocketing in silence, for their own special benefit, the large profits they had secured during the Crimean war. What had Government to do with the profits and losses of Shipowners any more than it had to do with those of any other branch of trade? Invited, as I had been, to take part in these deliberations, I felt that I should do wrong were I not, regardless of any insults to myself, to step forward and attempt to expose the fallacy of the course pursued by the meeting, especially, as the Shipowners had grievances which really ought to be redressed, and to which the Legislature, I felt sure, would readily listen, if properly appealed to. Shipowners were then, unquestionably, subjected to various burdens which would never have been imposed upon them had they not been a *protected class*, and, as such, supposed to derive advantages from which other classes of the community were excluded; burdens, too, I am bound and willing to add, from which they ought to have been relieved when the Navigation Laws were repealed.

Mr. Lind-  
say pro-  
poses an  
amend-  
ment.

Feeling, therefore, that the time of this large and important meeting would be wasted in vain and useless resolutions, I stepped forward to the front of the platform, resolved, at all hazards, to endure every contumely, and, if I could not carry an amendment,

which I saw was altogether hopeless, to at least enter my protest as a British Shipowner against such subservient and worthless appeals to the Legislature of our country. My appearance on the front row was the signal for a yell of derision; and my amendment, which I had hastily written in pencil, "that a petition be presented to both Houses of Parliament, praying for an inquiry into the actual condition of British navigation, and for relief from all peculiar burdens and restrictions that still fetter maritime enterprise," was received with hisses and the loudest and rudest demonstrations of dissatisfaction.

Although these events are matters for history, they are of too personal a character to be pursued at length; however, that my readers may form some idea of the feelings of a very large number of the most influential Shipowners of the period, I furnish in a foot-note<sup>1</sup> extracts from the report which appeared in

<sup>1</sup> "Had I," continued Mr. Lindsay, "remained a silent spectator at this meeting as I intended, I should have been an assenting party to a resolution which asks us to reverse our policy. ('No, no!') But such would have been the case, for the resolution says, 'that the principal cause of the depression has been the impolicy of the existing system of maritime commerce.' I hold that the establishment of a Free-trade policy has nothing whatever to do with the existing depression in the shipping interest (cries of 'Oh, oh!' and great disapprobation), and therefore I come forward and offer my dissent. This resolution, further, asks us to confirm a memorial which the Shipowners' Society of London, this time last year, addressed to her Majesty. I, for one, cannot be a consenting party to that resolution or memorial, because I believe that the opinions therein expressed are fallacious, and I shall endeavour to show you how. What is the prayer of that memorial? It urgently entreats, indeed implores her Majesty to issue an Order in Council against those nations which have not reciprocated with us. ('Bravo!' and cheers.) I am in favour of reciprocity—it is Free-trade in its most extended sense—but I ask you to look at the difference between reciprocity and the *enforcement* of reciprocity by the Legislature. Enforced reciprocity, as prayed for by you in this memorial, is Pro-

the 'Times' and of other journals of the proceedings of this great meeting.

tection in its worst and most pernicious form. (Cries of 'Shame,' and hisses.) It is a renewal of the old war of tariffs; therefore, it is the war of Protection. (Great uproar.) We must not retrograde, our course is onward." (Hisses and uproar.)

MR. G. F. YOUNG: I rise to order. (Cheers, and a few cries of "No, no!") Sir, I will not so far depart from the usages of debate as to introduce a speech on rising to order, but will submit that the course of discussion is irregular and unfair. I have challenged the hon. member to discuss this particular point with me publicly. He has declined my challenge. (Great cheering.)

THE CHAIRMAN: I think that my friend Mr. Young in calling my hon. friend Mr. Lindsay to order has rather himself travelled a little out of order. ("Hear, hear!" and a laugh.) I cannot think that Mr. Lindsay is out of order; but it will rest with the meeting to decide whether or not they will hear Mr. Lindsay in continuation. ("Hear, hear!" and disapprobation.)

MR. LINDSAY: Gentlemen, remember that we are in the city of London, and that the eyes of England are upon us. We are assembled to discuss a question of deep interest to its maritime interests, viz., what is the best course for the nation to pursue in the first place.

MR. YOUNG: No, no; to inquire what should be done. ("Hear, hear!")

MR. LINDSAY: Well, then, I suppose it is to discuss this, that we have come here. Now, I say, I have to inquire what is the best policy to be pursued for the nation at large (cheers); and, secondly, for ourselves as shipowners. (Cheers.) The question before us is this, whether the reversal of our Free-trade policy will be best for the interest of the country at large. ("Hear, hear!" hisses and confusion.)

MR. G. F. YOUNG: The Legislature will inquire into that. "Hear, hear!")

MR. LINDSAY: I say this resolution goes to the root of Free-trade, and confirms the memorial sent by you last year to the Queen. (Cheers.) Now, then, in reply to that memorial—and bear in mind that you received that reply from a Protectionist Government, my Lord Derby's through whom you made this appeal. ("Hear," cheers, hisses, and cries of "Question, question!") I am speaking to the question. Now, the answer given to your memorial by the Board of Trade clearly and distinctly proved that under a Free-trade policy the British shipping had increased in a far greater ratio than it ever did under a Protectionist policy. ("Hear, hear!" and a cry, "Prove it!") It has been proved, and let those deny it who can, that from 1842 to 1849 British shipping built and registered during the period of reciprocity increased 843,000 tons; but from 1850 to 1857 it had increased 1,670,000 tons,



But, even if the Legislature had been disposed to consider the wailings of the Shipowners, or to listen

Effect of  
the war  
between  
France  
and  
Austria.

or more than double under Free-trade what it did under Protection. (Cries of "Bosh!") It has been proved further, that the entries inwards and clearances outwards—(confusion, "Hear, hear!" and "No!") It does not suit, you to hear the truth—you Protectionist shipowners! (Confusion.) I say it has been proved that the entries and clearances of British shipping have increased (cries of "Hear!" "No!" "Turn him out!") in a ratio equally as great as the tonnage built and registered. (The hon. gentleman was here met by a storm of indignant and discordant cries, among which were heard: "Go to Sunderland!" "Rubbish!" "Bosh!" "Sit down!") When order was restored the hon. member resumed as follows:—Mr. Bramley-Moore has referred to what he calls the advantages which Spain and France have gained by their protective system. (Uproar.) It is quite true that in the five years between 1853 and 1857 inclusive, no less than 600,000 tons of Spanish shipping entered and cleared our ports; but, on the other hand, it is equally true that, during the same period, no less than 1,700,000 tons of British shipping entered and cleared from Spanish ports. ("Hear, hear!") What does Spain, therefore, gain by her system of protection? (Confusion, and a voice, "We can see all that in the 'Times.'") It is true that 3,900,000 tons of French shipping cleared for the ports of England during a similar period; but it is no less true that 10,000,000 tons of British shipping entered and cleared from the French ports. ("Hear, hear!" and "Question!") I could go on with many more facts to prove my case. I can prove to you by undeniable facts that the British shipping interest, however much it may be distressed at the present time, has been a gainer by the policy of Free-trade (shouts of disapprobation), and that it is not for your interest as Shipowners to reverse that policy. (Uproar.) You, no doubt, wish to confine your trade to your own possessions ("No, no!"), but what, I ask, would England be if it were not for the vast magnitude of her trade with foreign countries? (Cries of "Oh, oh!" "Hear, hear!" and "No, no!") On referring to the Customs' entries and clearances, it will be found that out of the 5,000,000 tons of British shipping annually so entered, 2,000,000 came from our own colonies and dependencies, but that no less than 3,000,000 of British shipping are entered from foreign countries ("Hear, hear!" and confusion), thus proving that our trade with foreign countries is much more valuable to us than the trade with our own possessions (cries of "Question!"); and thus proving, further, that our trade with foreign countries is of greater advantage, even to the British Shipowner, than our trade with our own colonies and dependencies. ("Question, question!") If instead of the resolution proposed you adopted such a resolution as I have

to their unreasonable demands, an event supervened which for a time changed the aspect of their affairs.

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sketched out since I have been in the room it would have been better for your interest. (Uproar, and cries of "Sit down!") You may not think it for your interest, but the day will come when you will find it for your interest. (Disapprobation.) If instead of looking after the shadow, you would follow and grasp at the substance it would be better for you. (Uproar.) Have any of you looked at the existing burdens on British shipping? I have done so; but I will not occupy the time of the meeting by going into details. (Great cheering.) I must, however, tell you that these burdens are a serious hindrance to our onward progress; and I also tell you, and I tell you as a thinking man, that you are vainly attempting to get what you call reciprocity enforced. I say vainly, because you will never get it. ("Oh, oh!") You are losing a chance, a favourable opportunity of obtaining relief from those burdens which still unjustly oppress the British shipowners. (A Voice:—"What is the amount?") I am asked what is the amount? The amount of these burdens reaches nearly 1,000,000*l.* sterling. They are 2 per cent. upon the amount of the capital invested. Tax any interest 2 per cent., and what is the consequence? You will drive the capital employed in that interest elsewhere. ("Hear, hear!") While that real grievance exists, you are following a shadow ("Oh, oh!") How futile then are your attempts! (Confusion.) You are allowing the opportunity to pass of obtaining substantial relief while you are following this delusion of Protection. (Great uproar.) The policy I have recommended is the policy which is best for the interests of the British Shipowner, and it is as a British Shipowner that I advocate it. It is, as the representative of a large maritime constituency, that I have come forward regardless of your insults to state my opinions frankly on the subject, and to enter my solemn protest against the course of policy you vainly attempt to restore. (Great disapprobation.)

Mr. DUNCAN DUNBAR rose to order. He said that they had not met there to discuss what had brought the shipping interest to its present state; for he thought the fact would be universally admitted that the Shipowners were on the road to ruin. ("Hear, hear!") The object of the meeting, therefore, was not to discuss figures and tonnage, but simply to agree to a petition to the Houses of Parliament, asking them to appoint committees to hear the evidence of witnesses on the subject. His friend Mr. Lindsay,—no, he would not call him his friend (cheers and laughter), but the gentleman who spoke last went beside the mark in talking about the increase or decrease of tonnage. All must admit that the Shipowners were on the road to ruin. ("Hear, hear!") The very property he had made by his industry and hard labour was melting away like snow before the sun. ("Hear!") The man who

Critical questions arose in Europe. Political relations between France and Austria had become most unsatisfactory. The Emperor of the French, having recently, by a member of his family, contracted an alliance with a Princess of the House of Savoy, welded another political link with the King of Sardinia, and, on the 1st January, 1860, announced an approaching rupture with Austria. "A cry of anguish" arose from the provinces of Lombardy; and all the miseries the Italians, during many years, had suffered from Austrian domination were suddenly and ostentatiously paraded before the world. Free Europe witnessed with astonishment the scene in which the despotic Emperor of the French complained of the tyranny exercised by another despot in Austria, over a portion of Austrian subjects, whilst the Emperor of Russia, more despotic than either, joined in the strange and mysterious confederacy, and affected sympathy for the down-trodden and oppressed Italians.

It was impossible for Great Britain to remain indifferent while events so momentous were happening in rapid succession on the continent of Europe; hence, when Austria summoned Sardinia to disarm, and the French troops were put in motion to cross the Alps, the English people, carried away by their sympathies for the oppressed Italians, and forgetting to inquire "Can grapes come from thorns, or figs from thistles?" were almost willing to join France and aid her in her real object, the advancement of the eastern portion of

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called himself a British Shipowner, and moved such an amendment as the present, was the worst enemy the British Shipowner could have. (Cheers.)



the Empire towards the Rhine. But, whatever the results of the short but great war then publicly proclaimed by France and Sardinia against Austria, its effect, by increasing the demand for shipping, combined with other causes, proved very salutary to the fortunes of British Shipowners.

Mr. Lindsay moves for an inquiry into the burdens on the Shipping Interest, January 31, 1860.

Though England had been startled by the proceedings on the Continent, and had made preparations for any emergency, she happily kept clear of "entanglement," so that Parliament had time to direct its attention to other less exciting, but to her more important subjects. Under these circumstances, I consequently, on the 31st January, 1860, renewed my motion,<sup>1</sup> for an inquiry into the state of our merchant shipping, and the operations of the burdens and restrictions especially affecting that interest. After a long and interesting discussion, the House was pleased to adopt my motion, extending the inquiry into various Acts of Parliament then in force;<sup>2</sup> and, on the 16th February of that year, the Committee was appointed:<sup>3</sup> the whole of that session was devoted to the inquiry, and to the complaints and suggestions of the Shipowners and other persons interested, who were heard in detail: no less than

<sup>1</sup> See 'Hansard,' vol. clvi. pp. 332 to 347, and p. 347 *et seq.*

<sup>2</sup> An Act for compensating the families of persons killed by accident 9 & 10 Vict. c. 93; the Merchant Shipping Act 1854; the Merchant Shipping Amendment Act (1855); the Passenger Act (1855); and the Chinese Passenger Act (1855).

<sup>3</sup> The following were the Members of the Committee:—Mr. Milner Gibson (then President of the Board of Trade), Lord Lovaine (now the Duke of Northumberland), Mr. (now Lord) Cardwell, Mr. Thomas Baring, Mr. Crawford, Mr. Francis Baring, Mr. Somes, Mr. Gore Langton, Mr. George William Bentinck, Mr. Wilcox, Mr. Liddell (now Lord Eslington), Mr. Francis Russell, Mr. Hugh Taylor, Mr. Alderman Salomons, and Mr. Lindsay.



6813 questions were asked, and as many answers given in reply, and voluminous appendices swelled the Report.

No Committee ever commenced its duty with a more fixed determination to grant impartial justice and remedy any existing evils. I shall not venture to offer an opinion on the Report, as it was drawn up by myself, at the request of my colleagues. But I ought to state that the Committee examined most carefully and anxiously, in all its bearings, the great question with which it had to deal, and enabled me to prepare a report which was strictly just and thoroughly exhaustive, and which I hope has rendered unnecessary any further appeals, at least, on similar grounds, for relief to the Legislature. In prosecution of their inquiries the Committee examined numerous persons residing in London and the outports connected with the shipping interests, many of whom were extensively engaged in the home, colonial, and foreign trades. They also examined several officers in various departments of her Majesty's Government, and others representing two of the corporations, which exercise trading powers affecting shipping, so as to more fully elucidate the subjects with which they were respectively acquainted. They then reviewed in detail the various measures which had been introduced during the previous quarter of a century affecting maritime commerce, directing attention to that part of the evidence which stated that the reason, why the Coasting trade was not thrown open until 1854, was the assertion on the part of the officers of Customs that there would be a difficulty in enforcing effectual regulations to guard the revenue.

Report of  
the Com-  
mittee  
thereon.

Views  
with re-  
ference to  
foreign  
countries.

The  
Nether-  
lands.

The  
United  
States.

Referring to existing treaties, the Committee remarked that, though the Government of the Netherlands placed the ships of England, ostensibly, on the same footing as Dutch vessels, English vessels, however, in consequence of the regulations of the Dutch East India Company, were practically prevented from trading with the valuable settlements of the Dutch in the Eastern seas.

When directing attention to the different nations who still withheld from British ships the advantages of their coasting trade, they could not fail to notice the often repeated fact, that the United States of North America not only shut out British vessels from the carrying of goods in the vast coasting trade of their Atlantic and Pacific sea-boards, but that British vessels running between New York and Aspinwall, and between Panama and San Francisco, were denied the ordinary privileges enjoyed by the American national flag; and that, thus, the indirect carrying trade between the eastern and western coast of the United States was, practically, confined to American shipping, as well as the coasting trade proper.

With regard to British colonial possessions the Committee stated that, while the coasting trade had been thrown open to foreign vessels in the British East Indies, Ceylon, the Cape of Good Hope, and Victoria, the coasting trade of our North American colonies was still confined to British vessels; foreign ships being, however, permitted to carry on the inter-colonial trade with our various possessions.

Generally  
unsatis-  
factory

The Committee, especially, noticed the entire unanimity of the witnesses whom they had examined

with regard to the unsatisfactory state of the laws state of the inter- then regulating international intercourse, not merely course with with the United States of America, but also with foreign nations. France, Spain, and Portugal; nor could they fail to perceive that every witness viewed with the greatest jealousy the restrictions still imposed by those nations on our shipping, and further, that we had not been met by them in that spirit of fairness and reciprocity we had a right to expect.

So far as regards the great question—the repeal of the Navigation Laws—into which the Committee inquired minutely and impartially, I may say that they were, unanimously, of opinion that it would be impossible to reverse the established policy of Free-trade, and that, in fact, it would not be to the interests of our Shipowners, if they had been able to do so. Indeed, the representatives of the then most conservative ports in the kingdom (Mr. Horsfall for Liverpool, and Mr. Liddell, now Lord Eslington, one of the members for Northumberland) were decidedly of opinion that any reversal of our policy would not merely be prejudicial to the great trading interests of this country, but, specially so, to those engaged in its maritime commerce; and, in fact, though they felt the advantages derivable by reciprocal advantages from foreign nations, they were not prepared to support an Order in Council against the admission to our ports of the ships of those nations which did not reciprocate.

While admitting the depressed state of the shipping interest during the previous two or three years, the Committee pointed out that this depression The present depression beyond the influence of Government. had arisen in great measure from causes beyond the

reach or province of legislation. They remarked, for instance, with great force, that as one-fourth part of the whole coasting trade was then carried on by means of steam-vessels, while one steamer could accomplish as much work as five sailing vessels, it must follow that the owners of the latter would suffer; the result clearly showing that the depression arose in the north of England ports to a great extent from causes no government could control. Instancing Sunderland, they remarked that while in 1852 there were no steamers whatever engaged in trade at that port, the number of such vessels built there since that period (between 1852 and 1860) had displaced the enormous number of 4000 sailing ships, each of 250 tons capacity. Hence, while the Committee could not but regret the heavy loss thus entailed on one industrious class of men, many of whom were, no doubt, totally ruined, it was impossible for them to remedy a state of things brought about mainly by the progress of science, and one, moreover, with which the change in our policy had nothing whatever to do. Indeed, not one of the witnesses examined, although many of them had been sufferers in this way, proposed to recur to the absolutely restrictive system in vogue previously to 1850.

General  
results of  
Steamers  
*versus*  
Sailing  
vessels.

When the figures brought forward by the opponents of repeal were closely examined, it appeared that, while the increase of all the sailing ships in the United Kingdom had for nine years previously to the change in our Navigation Laws been only  $23\frac{1}{2}$  per cent., the increase of steamers, during the same period, had been as much as 81 per cent.; but that since then to the end of 1859, while the increase of



sailing ships had been  $26\frac{1}{2}$  per cent., steamers had increased no less than 184 per cent. These were transient evils against which no legislation could provide; and it was, therefore, obvious that, instead of attempting to render remunerative a class of vessels, now obsolete owing to the improvements of the age, Shipowners would have done better to direct their attention to the development of the new power, for which they possessed in vast abundance the requisite materials of iron and coal: in this way, there could be no doubt that they would be able to compete successfully with all other nations. In how remarkable a manner these words have been fulfilled I shall be able to show when I come to treat of the progress of steam navigation in the Transatlantic trades. Nor has our success been less remarkable in our competition with the Swedes and Norwegians, with whom it was repeatedly alleged we were unable to compete; for they, in 1859, had already become large buyers of ships in our markets, and, I may add, are still frequently to be found purchasers of British-built vessels.

The question having now been narrowed to that of re-imposing the monopoly of the carrying trade to and from our Colonial possessions, the Committee soon arrived at the conclusion that the extent, diversified interests, and increasing power of our possessions abroad, offered insuperable obstacles to the re-imposition of restrictions on that trade, while the daily increase of feelings of independence in our Colonies naturally tended to resist a system which would place the grower of British plantation sugar and coffee in the West Indies at a greater disad-

The Committee resists the plan of re-imposing restrictions on the Colonial Trade.

vantage than then existed, especially when compared with the producer of slave-grown sugar and coffee in Brazil and Cuba. The Committee, therefore, looking to our relations with Canada, our possessions in the East and West Indies, and, above all, in Australia, considered it their duty, unhesitatingly, to declare that any proposal having for its object the re-establishing an exclusive monopoly of the carrying trade to and from our colonial possessions must, both on political and commercial grounds, be rejected as altogether impracticable. Moreover, that, while such a step would be unjust to our fellow-subjects in the colonies, it would very likely embroil us with those foreign Powers to whom we were bound by existing treaties.

Difficulty  
of enforcing  
reciprocity.

The question, however, of the expediency of requiring foreign Powers, having colonial possessions, to reciprocate every advantage to us, which Great Britain had accorded unconditionally to them, though, commercially, when compared with other branches of commerce, unimportant, was one which demanded peculiar attention, as it was, and still is, a source of great annoyance, in that it creates a feeling that we have been very illiberally, if not unjustly, dealt with by these Powers. British Shipowners who, carried on the restricted and scarcely tolerated intercourse with the colonies of France, Spain, and Portugal, found their ships placed at an immense disadvantage, in the unequal competition they had to encounter, while they had the mortification to see foreign ships resort to our own colonies and secure much higher freights than our own ships when chartered to a port in Europe.<sup>1</sup>

<sup>1</sup> Though the Foreign Office is admirably administered, and was brought into a state of high perfection in all its details by Mr. (now

For instance, it was given in evidence that Spanish vessels were chartered in English ports to Manilla at 3*l.* or 4*l.* per ton, while the British vessel could not obtain 30*s.* per ton. From the Mauritius to Europe a French ship, enjoying the option of both the British and French markets, obtained a freight for sugar of 3*l.* 10*s.* per ton at a time when English ships were obliged to accept 10*s.* per ton. Thus, in all our colonies and possessions, French, Spanish, and Portuguese vessels<sup>1</sup> could generally procure a freight greatly in excess of that obtained by British ships, as the foreign national flag secured for them, on arrival at a port of call in England, the advantage of our markets, with the option of sending on the cargo to the respective countries of Europe to which the national flag belonged, but from which markets such produce was excluded by heavy differential duties, if conveyed thither in British ships.

The Committee naturally felt that a sense of justice

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Lord) Hammond, there can be no doubt that it is very ineffective in its dealings with foreign nations on nearly all commercial matters. Perhaps, this would be remedied if the Diplomatic and Consular Service were amalgamated, or even if it was permitted for gentlemen in the Consular to rise to the Diplomatic Service. I was strongly impressed with this idea when serving as a member on the Consular Committee of 1856-57; but my colleagues on that Committee were generally of a different opinion. Unquestionably our diplomatists are gentlemen in every sense of that word, and, as a rule, distinguished scholars, but they lack that description of knowledge which is expected from the representatives of by far the greatest commercial and maritime nation in the world. The time is fast approaching when this may prove a serious obstacle to our further progress. As times now go, we are a workshop or we are nothing. I respect rank and envy learning; but these will not feed the rising and increasing generations, who are to fill our vacant places.

<sup>1</sup> That Portugal gained nothing by her restrictive policy those of my readers who care to know may see by referring to a letter which I addressed by request of its President to the Commercial Association of Lisbon, when there in 1863. See Appendix No. 6, p. 596.

Want of  
energy on  
the part  
of the  
English  
Foreign  
Office.

Rights of  
belliger-  
ents.

demanding that our Shipowners should, as far as practicable and consistent with the interests of the community, be placed on equal terms in the race of competition, and that, whatever difficulties might stand in the way of having recourse to retaliatory measures, there had been, they regretted to state, an apparent apathy on the part of the executive government, in remonstrating with those nations which then excluded our vessels from their trade; in other words, that the Foreign Office had not employed the influence it might have exercised to secure, by diplomatic negotiation, the advantages of reciprocity.

As the question of belligerent rights at sea was one which deeply affected alike the British Shipowner in the prosecution of his business and the general interests of Great Britain, the Committee devoted their especial attention to the evidence advanced on this important question.

In the recent war with Russia, England, as we have already incidentally noticed, when she formed an alliance with France, agreed with that country to waive her right to confiscate an enemy's goods on board neutral ships as also neutral goods found on board an enemy's, so long as they were not, in either case, contraband of war. This mutual but provisional waiver of belligerent rights placed the allies in harmonious action, and, practically, countenanced the principle that "free ships make free goods." Upon the return of peace, as I have explained in a previous portion of this work, the declaration of Paris of April, 1856, signed by Austria, France, Great Britain, Prussia, Russia, Sardinia, and Turkey gave a formal sanction to this principle. Privateering was also

Privateering  
abolished  
in Europe;

abolished.



America was invited to be a party to this general international agreement, but demurred, and coupled at first her assent to the abolition of privateering, with the condition that private property at sea should no longer be subject to capture. Finally, she refused to be a party to a convention, whereby she would be precluded from resorting to her merchant marine for privateering purposes, in case she became a belligerent. But this, in the opinion of the Committee, was not surprising, as the United States had obtained the recognition of the rights of neutrals, for which she contended throughout a long period of hostilities, and Great Britain had surrendered those rights without any equivalent from her. The Committee were therefore of opinion that our Shipowners would thereby be placed at an immense disadvantage in the event of a war breaking out with any important European Power. Indeed, they went so far as to give it as their deliberate conviction that “the whole of our carrying trade in the event of a great European war would be inevitably transferred to American and other neutral bottoms.”

America, however, declining to accept this proposal.

Views of the Committee thereon,

“We must therefore,” they continued, “either secure the general consent of all nations to establish the immunity of merchant ships and their cargoes from the depredations of both privateers and armed national cruisers during hostilities, or we must revert to the maintenance of our ancient rights, whereby, relying upon our maritime superiority, we may not merely hope to guard unmolested our merchant shipping in the prosecution of their business, but may capture enemy’s goods in neutral ships, and thus prevent other nations from seizing

the carrying trade of this kingdom during a state of hostility.”

Looking at this important question in all its bearings, and considering that we have at all times a much larger amount of property afloat than any other nation, the Committee were of opinion, that, though grave objections had been urged by high authorities against any further step in advance, they could not close their remarks without expressing an earnest hope, and, at the same time, giving it as a deliberate opinion, that “in the progress of civilisation, and in the cause of humanity, the time had arrived when all private property (not contraband of war) should be exempt from capture at sea.”

and on the  
liability of  
Merchant  
Shipping.

Having reviewed the question of liability, of which many Shipowners had complained, the Committee were of opinion that it was not advisable to reduce that liability to any extent below the value of the ship and freight, taking the value of the former at 15*l*. per ton. For to confine it simply to the actual value of the ship “would,” they urged, “be an encouragement to unprincipled persons to employ inadequate and worn-out vessels in the conveyance of passengers, and that, on the other hand, to subject shipowners to unlimited liability might induce men of property and character to withdraw their fortunes from so great a hazard.” The Committee could not, however, overlook the additional liability to which Shipowners were exposed by the operation of the municipal laws of foreign states, for, as the law now stands, the liability of the foreign shipowner is not limited to our courts, and the liability of the English shipowner by the same rule, if it were

applied in the United States, would not be limited in their courts.<sup>1</sup> Therefore, although the English law may have contemplated the limitation of the British shipowners' liability, any damage sustained by collision on the high seas between a British ship and a foreign vessel, would not fall within the statutory limit, and, practically, the liability of the British shipowner, in the event of loss of life, would be unlimited, or at least co-extensive with the loss, which a jury might assess according to the rank of life and the injuries sustained by the relatives and families of the deceased. It was further recommended that the practicability and desirability of an international arrangement with maritime countries,<sup>2</sup> so as to arrive at some uniform reciprocal principles, should be seriously considered by Government.

The incidence of the light dues paid by the Ship-owners of the Empire, necessarily received consideration from the Committee, more especially as it was

Burden of  
light dues.

<sup>1</sup> Since 1860 the law has been altered so far that the responsibility of foreign ships in our courts is limited on the same conditions, and to the same amount, as British ships, and these are now limited in the States, as well as in the Federal Court of the United States.

<sup>2</sup> When I visited the United States after Parliament rose that session (1860), the question of responsibility was one, to which, with others, I invited the attention of the Shipowners of that country at various meetings, with their chambers of Commerce and Boards of Trade, which were frequently held in public. As the whole of these questions refer directly to merchant shipping and seamen, I have given in the Appendix of this work, No. 2, p. 567, a copy of a letter I addressed to Lord Lyons on my arrival in Boston (U.S.), which embraces the whole of them, as also a subsequent correspondence which I had in 1866 with our Foreign Office (see Appendix No. 3, p. 571), on the subject of the then unsatisfactory state of our relations with America, with regard to the responsibility of British Shipowners when sued in their State Courts. I have the less hesitation in giving this correspondence as it has not hitherto been published, and as some of the questions in my letter to Lord Lyons still wait solution.

a serious burden on all merchant vessels. So far back as 1845, a Committee appointed specially to inquire into those dues, recommended, "That all expenses for the erection of lighthouses, floating-lights, buoys, and beacons, on the coast of the United Kingdom, be henceforth defrayed out of the public revenue."

Entirely agreeing with this resolution, the Committee of 1860, while recommending Government to adopt that resolution, added: "That the lighting of our shores is a high imperial duty which we owe, not merely to ourselves, but to strangers, whom we invite to trade with us."

They felt that the justice as well as the policy of such a course was strengthened by the fact that the large debt of 1,250,000*l.*, the result of improvident grants, incurred under the authority of Parliament for buying up the lighthouses held by private individuals, had, since that period (1845), been paid out of light dues, raised out of a tax upon shipping, and they had less hesitation in recommending the adoption of this enlightened policy from the fact that the Congress of the United States of America appropriates an annual vote for lights throughout their whole territory, which is borne by the entire federation, and that no charge for light dues is levied on foreign vessels frequenting the ports of that country.

Pilotage.

The question of pilotage was also one which received every consideration, the evidence showing that when a voluntary system prevailed, even where the navigation was difficult and, at times, dangerous, no inconvenience arose from the absence of legal compulsion for the employment of a pilot. Many of the members of the committee were of opinion that the whole pilotage of the kingdom should be thrown



open; but no decided recommendation was offered, as it had been pretty clearly demonstrated in evidence that the compulsory system of pilotage still exercised at London, Liverpool, and Bristol, had worked in a manner satisfactory to those persons who were most directly interested in this matter.

The charges levied by local authorities on ships and goods entering or clearing from their ports, had so frequently been under the consideration of Parliament, that the Committee could do little more than refer to the various reports on this subject, and especially to that of the Royal Commissions of 1854, with the expression of their regret that not one of the recommendations of that commission had been carried into effect.<sup>1</sup>

Charges made by local authorities,  
now generally abolished;

The Committee, after inquiring into the management of the Trinity Houses of Newcastle and Hull, and the nature of the charges levied by the Russian

<sup>1</sup> Since 1860 all passing tolls have been abolished, while most of the local charges have either been modified or swept away, but not, however, without a hard struggle, or without the payment of a large grant of public money to compensate the persons, corporations, or companies who held "vested interests"—a grant much greater, I think, than they were entitled to receive.

I remember when Mr. Lowe, in his capacity as Vice-President of the Board of Trade first brought in this measure, in the Session of 1856, he exclaimed, in reply to demands of an exorbitant character which were made on the ground of certain clauses in some very ancient deeds, *What care I for your musty charters!* or words to that effect. You could almost see the hair raising the hats from the heads of a number of old members who held all their property under musty charters. But though Mr. Lowe was not very far wrong so far as regards some of the monstrous claims made under ancient charters, and would I daresay, if he had had his own way, not have paid the claimants one-half the amounts they received, the expression was so appalling as coming from a member of Government, that Lord Palmerston at once saw that, after what Mr. Lowe had said, it would be impossible then to pass the Bill, and with his usual tact referred it to a Select Committee, to which I shall presently refer.

as well as  
those of  
the Stade  
dues.

Company and by the King of Hanover on shipping, under the name of Stade dues, both of which have since then been happily abolished, reviewed our mercantile marine legislation since 1835, and were of opinion that, though, in many respects the measures adopted had been judicious and beneficial, a few had been carried to excess in matters of detail (an opinion very different to that which at present prevails in the House of Commons); nor, indeed, could they have arrived at any other conclusion, as various witnesses clearly showed that, in some instances, a zealous wish to accomplish improvements, and to protect the interests of the public, had led to the adoption of legislative measures of a too minute and restrictive character, and, above all, that any unnecessary interference as to how a ship should be built, fitted, manned, and navigated, was frequently attended with prejudicial consequences, while it had as frequently retarded beneficial advance.

The  
Report  
of 1860  
generally  
accepted  
by the  
mercantile  
marine.

Such were the leading points of the report of the Merchant Shipping Committee of 1860. It seems to have satisfied all parties as far as anything could satisfy men whose policy had been ignored; at least no further inquiry into the state of British shipping, or for relief from oppressive and unjust burdens has since been considered either expedient or necessary. Indeed, the great majority of the recommendations have since been carried out by successive Governments. The Local Charges Bill, which had been referred to a Select Committee in 1856, was dealt with by separate inquiries; the important case of Liverpool occupying the whole of the Session of 1857, ultimately resulting in a reform of the Dock

management, and in the transfer of the Liverpool town dues to the Dock estate.

In 1861, Mr. Milner Gibson, then President of the Board of Trade, introduced a Bill<sup>1</sup> by which most of the other grievances were removed. All taxes on shipping, raised for the purpose of granting pensions and other, so-called, charitable objects, were abolished; local differential charges on foreign shipping were, to a large extent, prohibited;<sup>2</sup> the passing tolls levied for the support of such harbours as Ramsgate, Dover, and Bridlington were swept away, and power (on the recommendation originally of the Harbours of Refuge Commission of 1854) was given to the Public Works Loan Commissioners to lend money for the improvement of trading harbours at a low rate of interest.<sup>3</sup> France, to whose shipping laws I shall hereafter refer, abolished her local charges and differential dues; Italy, in 1863, admitted British ships to national treatment; and Austria also, by treaty, in 1868, has followed her example.

Unfortunately, Shipowners are still taxed for the maintenance of the National lights; but, although the recommendations of various Committees have not in this respect been adopted, reductions in the charges levied have been made to no less an extent than 75 per cent. since 1853.<sup>4</sup> Great improvements have

<sup>1</sup> 24 & 25 Vict., cap. 47.

<sup>2</sup> This was one of the most difficult and intricate questions any minister ever had to deal with. And for that reason these charges, to which I shall again refer, were not finally dealt with until 1867.

<sup>3</sup> By Parliamentary Papers, 176, 1871, no less than 1,846,400*l.* had been advanced up to that date, on loan for the improvement of trade harbours, and since then, 350,000*l.*, making in all about 2,200,000*l.*

<sup>4</sup> The aggregate reductions since 1853 are estimated (see Parlia-

also been made since Mr. (now Lord) Cardwell put in motion this scale of reduction, which has proved so valuable in its results; since then no less than fifty-seven new lighthouses have been built, and fifteen new light ships moored on the coast, whilst thirty-seven old lighthouses have been rebuilt and reorganised at an aggregate cost of more than one million pounds sterling.

From 1860 the Shipowners of Great Britain, though they have experienced in their trade, like all other branches of trade, periods of depression, and rarely more so than at the present moment, have never looked backwards. All special and peculiar burdens having now been removed, their only present desire is, and it is not an unreasonable one, that they should be interfered with as little as possible—certainly not more so than is necessary for the protection of the public—in the management of their own affairs, and that they should have a fair and free field: they seek no favours.

What they have done since they have had free scope to their industry and skill, and been relieved from all unfair taxation on the one hand, and the swaddling-clothes of protection on the other, *is truly astonishing*. Since then, no country has produced more magnificent steam and sailing ships, the former having all but monopolised the great Transatlantic carrying trade, to which I shall fully refer hereafter, and the latter having driven the American clippers

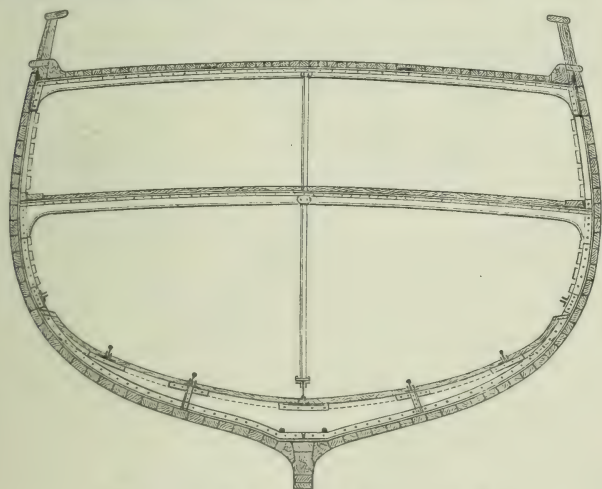
mentary Paper, No. 27, 1875) at more than 750,000*l.*, or at the rate of 237 per cent. on the present income of about 316,000*l.* per annum. Nor has economy been consulted at the cost of efficiency during the last twenty years, due in a great measure to the exertions of the late Sir Frederick Arrow, Deputy-Chairman of the Trinity House.



entirely from the China trade.<sup>1</sup> Such are the effects of wholesome competition.

Perhaps no merchant ocean-going ships of any country or of any age have equalled, certainly none have ever surpassed, the sailing clippers launched from the yards of Great Britain between 1860 and 1872, vessels far superior to those I have already named, including the *Falcon*, the *Fiery Cross*, *Undine*, *Lahloo*, *Leander*, the *Isles of the South*, *Min*, *Kelso*, *Serica*, *Taeping*, *Ariel*, *Titania*, *Spindrift*, *Sir Lancelot*, and *Thermopylæ*. As the *Thermopylæ* and the *Sir Lancelot* are the fastest sailing ships that ever traversed the ocean,<sup>2</sup> I have given a representation of the former under full sail at page 416, and the following drawing to scale of her midship section may interest my nautical readers.

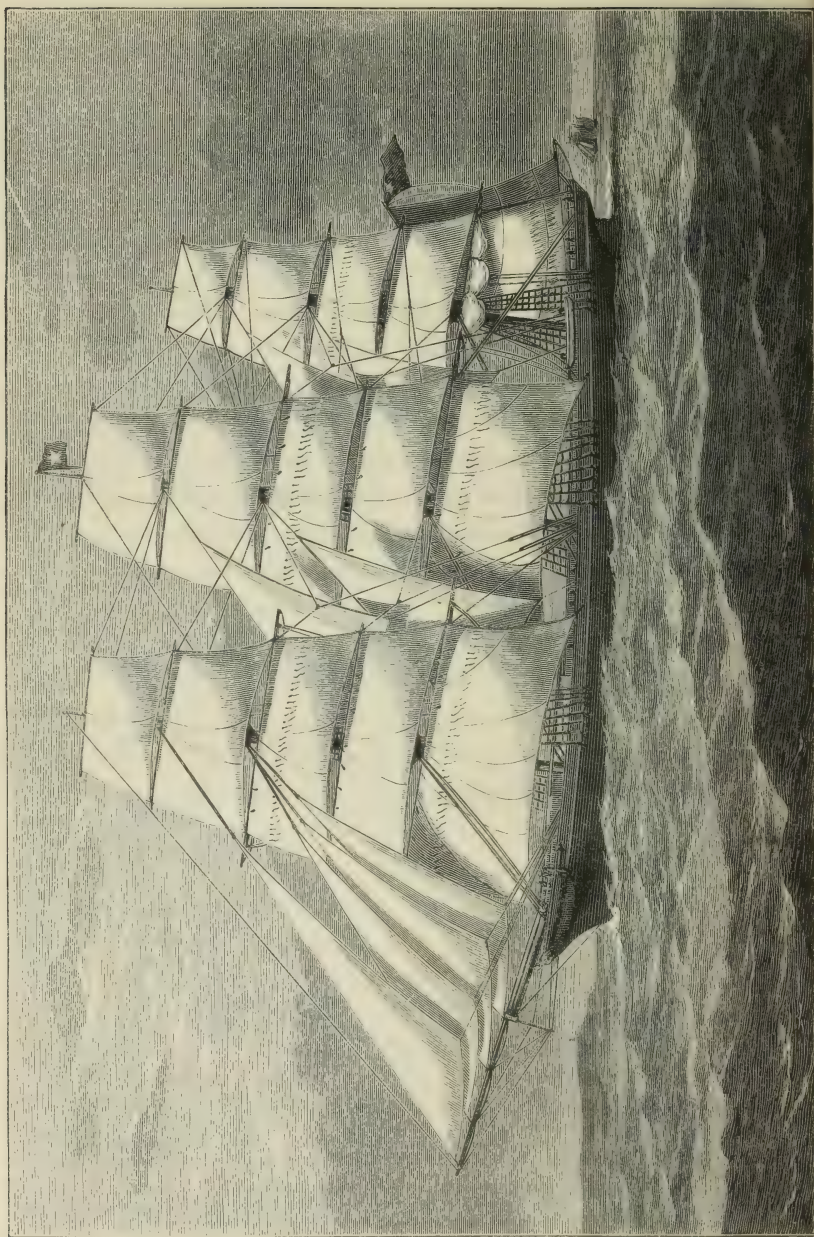
Magnificent English Merchant sailing ships, 1860-72.



TRANSVERSE MIDSHIP SECTION, "THERMOPYLÆ."

<sup>1</sup> Passages of clippers from China, 1868 to 1872 inclusive, see Appendix No. 8, p. 611.

<sup>2</sup> The log of this ship on her first voyage from London to Melbourne, thence to Newcastle (N.S.W.), thence to China, and thence home, will



THE "THERMOPYLAE."

On her first voyage from London to Melbourne, starting in November 1868, the *Thermopylæ* made the quickest passage on record between those ports—viz. in sixty days from pilot to pilot. Nor was this a mere chance passage, for on the next voyage from London to Melbourne she accomplished the same distance in sixty-one days, still faster than any other known passage between these ports; and, so far as I can ascertain, these voyages have never since been equalled by any other sailing vessels. On her first voyage, after leaving Melbourne she took on board a cargo of coals at Newcastle (New South Wales) for Shanghai, and accomplished the passage thence in twenty-eight days—the quickest on record. Leaving Foo-chow-foo soon afterwards with a cargo of tea, she made the passage thence to London in ninety-one days.<sup>1</sup> This has never been surpassed, except by

be found in the Appendix, No. 9, p. 613. She is a “composite” vessel, that is, constructed with iron frames and wood planking; she is 947 tons register, and her dimensions are 210 feet in length; 36 feet width of beam, and 21 feet depth of hold. She was designed by Mr. B. Waymouth, now Secretary to Lloyd’s Register. She was built in 1868 by Messrs. Walter Hood and Co., of Aberdeen, for her present owners, Messrs. George Thompson, Jun., and Co.

<sup>1</sup> This passage of the *Thermopylæ* was eight days quicker than those of the *Ariel*, *Taeping*, and *Serica*, in the great race of 1866 (\*), and six days quicker than the *Ariel* and *Spindrift* in 1868; the nearest competitor was the *Titania* in 1871. By her log (see Appendix No. 9, pp. 613-17) the *Thermopylæ*, in one day of twenty-four hours, made a run of 330 nautical miles (about 380 statute miles), see log, 3rd January 1870; or at the average rate of close upon 16 statute miles per hour!!

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(\*) This race excited extraordinary interest at the time among all persons interested in maritime affairs, five ships started for it, the *Ariel*, *Taeping*, *Serica*, *Fiery Cross*, and *Tartsing*. The three first left Foo-chow-foo on the same day, but lost sight of each other for the whole voyage until they reached the English Channel, where they again met, arriving in the Thames within a few hours of each other!!



*Sir Lancelot* and others. the *Sir Lancelot*, which in the same year made the passage to London in ninety days<sup>1</sup> (her owner

<sup>1</sup> The *Sir Lancelot* is also a composite vessel. She was built by Mr. Steele, of Greenock, for her owner, Mr. James MacCunn, of that place, and was commanded by Captain Richard Robinson, a native of Maryport, who was brought up in the service of Messrs. Broklebanks, of Liverpool, and who had, previously to being placed in command of the *Sir Lancelot*, made very fast passages in the *Piery Cross*. She is 886 tons register; and her dimensions are—length, 197 feet 6 inches; breadth, 33 feet 7 inches, and depth, 21 feet. This celebrated sailing ship, in her racing days, spread, when under full sail, 45,500 square or superficial feet of canvas. She was manned by 30 hands all told, and delivered 1430 tons of tea (of 50 cubic feet to the ton), and her draught of water, when thus laden, was 18 feet 7 inches forward, and 18 feet 9 inches aft. In addition to about 200 tons shingle ballast, there was 100 tons of iron kentledge (specially cast for the purpose), stowed in the limbers—that is, between the ceiling and the outer skin. This was fitted to the vacant spaces and distributed along the keelson, tapering towards the foremast and mizen-mast. It gave the ship great stability, and compensated for the immense height of the masts, which, without the kentledge, would have made the ship too tender. In the opinion of her owner, it contributed greatly to the ship's success. I may add that the bottom, which consists of teak, was carefully planed before the metal was put on, and was quite as smooth as the bottom of a yacht.

As everything relating to this famous sailing ship must prove interesting and instructive to my nautical readers, I do not hesitate to furnish the following details of her performances, courteously supplied to me (4th October, 1875) by Mr. MacCunn. "The log," he says, "of the *Sir Lancelot*, I regret, is not by me, but I have pleasure in handing you exact leading particulars of the celebrated passage referred to (extracted by me at the time, with great minuteness, from the log on board the ship, 14th October 1869).

"The particulars speak for themselves, and there is no parallel on so distant a voyage in ocean clipper sailing:—

1869.

Up anchor at Foochow, and left the anchorage	}	17th July.
7 A.M. . . . .		
White Dogs bore N.N.E. 15 miles . . . .		18th "
Anjer Light bore E.S.E. 10 " . . . .		7th August.
Land about Buffalo River (Cape) . . . .		28th "
Signalled St. Helena . . . . .		11th September.
Sighted Lizard . . . . .		10th October.
Passed Deal . . . . .		13th "
Berthed in West India Dock . . . . .		14th "



states eighty-nine days). Indeed, so completely have we outstripped the United States and all other nations, that instead of American clippers bringing teas from China to supply the London market, English clippers are frequently engaged to load the early teas from China to New York.<sup>1</sup>

Americans  
completely  
out-  
stripped.

# ANALYSIS.

White Dogs to Lizard. . . . .	84 days.
Foochow anchorage to St. Helena . . . .	56 "
Foochow anchorage to Deal . . . . .	88 "
Foochow anchorage to West India Dock . .	89 "

"The greatest day's work of the *Sir Lancelot* was crossing from Anjer to the Cape, when she made, by observation, 354 miles in 24 hours. For 7 days (consecutive) she averaged on the same track, with a beam wind, slightly over 300 miles per day; but I think the most remarkable feature in the sailing of this ship was the maintenance of a comparative high speed in light winds, and the great power she had to beat dead to windward against a strong breeze.

"I may mention that after the racing premium was abolished, and with it the sort of mania for China clipper sailing, I had 8 feet cut off all the lower masts, and reduced the masts aloft and the yards in proportion.

"Notwithstanding this the *Sir Lancelot* is now arrived in London after a voyage from London to Shanghai with general cargo, thence to New York with a tea cargo, thence to London with a general cargo—all in 9 months and 2 days.

"I am afraid I am troubling you with too many details, but I feel proud that this celebrated clipper, one of the very few China clippers left, proves herself in the tenth year of her life as swift as ever."

Mr. MacCunn may well be proud of his ship, and such pride is one of the chief causes of our power and greatness as a maritime nation.

<sup>1</sup> Among those who took the lead in the production and improvement of clipper ships at that time may be mentioned Captain Maxton, of the *Titania*, who had formerly commanded the early iron clippers, *Lord of the Isles* and *Falcon*, and who has, with the assistance of Messrs. Robert Steele and Son, brought out in successive years the *Ariel* and *Titania*, vessels of great beauty. Nor must I overlook Captain Bullock, who navigated the *Challenger* through the most successful and exciting part of her career; and Captain Rodger, who commanded the *Kate Carnie*, and subsequently owned the *Taeping*, *Ellen Rodger*, *Min*, and other well-known clippers. Among the builders, the name of the late

Nor have other trades than that of China been very far behind in this great ocean race. Many of the sailing vessels now engaged in the trade with Australia and India are remarkable for their swiftness and increased capacity, combined with greatly reduced sailing expenses. Superior in speed to any of the ships of the old East India Company, they have double the space for cargo in proportion to their register tonnage, and are manned and navigated by about one-third the number of men. Among them and the China clippers are to be found some of the handsomest vessels the world has ever seen. Marvellous specimens of grace and beauty, not surpassed even by the finest yachts, and much easier in their movements, when under full sail and at their greatest speed, than any "thing of beauty" yet produced in either Great Britain or the United States for the purposes of ocean navigation.

Equal  
increase  
in the  
number as  
well as  
excellence  
of English  
shipping.

But however great have been the strides in the improvement of the merchant vessels of Great Britain, their rapid increase in number since the repeal of the Navigation Laws has been equally astonishing; while the freedom of our laws has given an impetus to

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Mr. William Pile, of Sunderland, should not be overlooked: he designed, built, and launched many famous clipper ships, such as the *Spray of the Ocean* and the *Crest of the Wave*, two of the handsomest sailing vessels that ever floated. The latter vessel once left Shanghai for London with the American clipper ship, *Sea Serpent*, a well-known China trader, which was to receive 30s. per ton extra freight on her cargo of young teas (which obtain the highest price in their relative qualities), if she beat the *Crest of the Wave*. Both ships arrived off the Isle of Wight the same day, but the captain of the American, leaving his vessel in charge of the pilot, started by railway for London, and reported the *Sea Serpent* at the Custom House before his own ship or the *Crest of the Wave* had passed through the Downs.

maritime commerce far beyond the most sanguine hopes of those who, a quarter of a century ago, most strenuously advocated the policy of Free-trade. That my readers may see how we stand, so far as our ships are concerned, in comparison with other nations, I have had a table prepared, which will be found in the Appendix,<sup>1</sup> showing the progress they have made as compared with other countries, before and after the repeal of our Navigation Laws. The figures are remarkable; and, though it is not the province of this work to enter upon controversial questions, I cannot refrain from directing the attention of my readers to the fact that the nations which have adopted a liberal policy have made much the greatest advance; while the United States of America, to which I have so frequently referred, have, with all their natural advantages, materially retrograded as a maritime people. Nor have continental nations, like France, to which I shall presently refer, made any progress worthy of note under the ancient commercial policy, to which they still, in a large measure, and most unwisely, adhere.

Results  
of the  
Free-trade  
policy.

<sup>1</sup> See Appendix No. 10, p. 618. See also No. 14, p. 637.

## CHAPTER XV.

First Navigation Law in France, A.D. 1560—Law of Louis XIV., 1643, revised by Colbert, 1661—Its chief conditions—Regulations for the French Colonial trade—Slightly modified by the Treaties of Utrecht, 1713, and of 1763, in favour of England—Provisions of 1791 and 1793—Amount of charges enforced—French and English Navigation Laws equally worthless—“*Surtaxes de Pavillon*” and “*d’Entrepôt*”—“*Droits de Tonnage*”—Special exemption of Marseilles—French Colonial system preserved under all its Governments, but greatly to the injury of her people—English Exhibition of 1851—Messrs. Cobden and Chevalier meet first there, and ultimately, in 1860, carry the Commercial Treaty—The French, heavy losers by maintaining their Navigation Laws—Decline of French shipping—Mr. Lindsay visits France, and has various interviews with the Emperor, Messrs. Rouher and Chevalier on this subject—Commission of Inquiry appointed, and Law ultimately passed May 1866—Its conditions—Repeal Act unsatisfactory to the French Shipowners—Another Commission of Inquiry appointed, 1870—Views of rival parties—M. de Coninck—M. Bergasse—M. Siegfried—M. Thiers and Protection carry the day, and reverse, in 1872, much of the law of 1866—Just views of the Duke Decazes—Abolition for the second time of the “*Surtaxes de Pavillon*,” July 1873.

First  
Navigation  
Law  
in France,  
A.D. 1560.

THE first appearance of anything in the shape of a Navigation Law which can be traced in the history of the French nation is to be found about A.D. 1560, during the reign of Charles IX., or rather during that of his mother, Catherine of Medicis, when Regent. It is of the most absurdly stringent character, forbidding French subjects, under any circumstances, to



freight foreign vessels in the ports of his realm. Nor would he allow such vessels to carry from his ports any kind of merchandise: but, like most other laws of a similarly rigorous character, they were very imperfectly carried out, and so seldom enforced that, by degrees, they fell into desuetude.

It was not, however, until the reign of Louis XIV. (A.D. 1643) that anything like a regular system of Navigation Laws was adopted; and this would seem to have been copied from the laws of England of that period, inasmuch as it had for its object that which England had proposed with regard to her own ships—the protection and the development of the French mercantile marine. But Colbert, the celebrated finance minister, in 1661, appears to have devoted considerable attention to this question, and, though he framed a law, at first as protective in its character as any of the maritime laws promulgated in England, it was, soon afterwards, moderately relaxed by his wisdom, in favour of the ships of other nations.

In the reign of Louis XIV., as also in that of Louis XV., various ordinances and regulations were likewise issued for the purpose of determining the conditions necessary to entitle a vessel to the privileges of a French ship. Thus in the regulation bearing date 24th October, 1681, and, in several letters as well as in various ordinances, it was provided that no vessel should be allowed the privilege of hoisting the French flag, unless she were entirely owned by the subjects of that country, and unless the names of all the owners were duly registered. For every offence, or any deviation from this law, a fine of 1000 livres was inflicted; and, in case of any

Law of  
Louis  
XIV.,  
1643,  
revised by  
Colbert,  
1661.

Its chief  
conditions,

repetition of the offence, corporal punishments were ordained against all captains who navigated, under the French flag, any vessel of alien ownership. There was, however, no prohibition against the acquisition of vessels of foreign build. French subjects were allowed to confer on such vessels the French character by certain declarations, such as dimensions, where and by whom constructed, and by registering the names of the owners, and the contract of sale. No alien was, however, permitted to command a French vessel; nor, by the ordinance of 27th October, 1727, could even a French subject do so *who had married an alien*.

Foreigners were also excluded from any functions of authority; and, as in the case of the English Navigation Laws, it was ordained that every vessel should be manned by a crew of which two-thirds, at least, were French subjects. Indeed, in 1710, French subjects were forbidden, agreeably with their most ancient Navigation Law, to import goods from England in any but French bottoms—a law, at that time, levelled exclusively against this country, as it did not embrace other nations. This law was, however, abolished, three years afterwards, by the treaty of Utrecht, though again enforced when war, subsequently, broke out between the two countries. Besides this, the duty known by the name of “Droit de tonnage” (tonnage dues), for the protection of the French mercantile marine, was levied on all foreign vessels; and, though England obtained a temporary exemption from it also by the treaty of Utrecht, this duty remained practically in force till replaced by another tonnage duty in 1793. Indeed,

for a long time, absolute prohibition had existed against all foreign vessels engaging in the carrying trade between the ports of France, except those of Spain, which in 1768 (January 2nd), by a treaty, known by the name of "*Pacte de famille*," signed by the Kings of France, Spain, the Two Sicilies, and the Duke of Parma, as members of the reigning Bourbon family, made the Spaniards free of the existing French trade, and placed them in all respects on a similar footing, so far as that treaty was concerned, with the subjects of France. This privilege, though suspended by the Revolution, was restored by the Convention of 20th July, 1814, and still remains in force, on the part of France.

The most important element, however, of the ancient Navigation Laws of France was the system of regulations for the purpose of increasing the trade with the French colonies. In its main features, it has been preserved by all the Governments, Revolutionary and Constitutional, which have, successively, presided over the destinies of that country, continuing almost unaltered far into the present century, when it was materially modified, though not entirely abolished, by the economical reforms of Napoleon III.

That system, known among French economists and lawyers under the name of the "*Pacte colonial*," from the implied contract supposed to have been entered into between each colony on its foundation and the mother-country was, so far as the rights of the latter were concerned, characterised by three principles, which dictated, as far as expediency allowed, all the laws and measures of the various Governments previously to the Second Empire.

Regulations for the French Colonial trade.

Slightly modified by the Treaties of Utrecht, 1713, and of 1763, in favour of England.

These may be briefly stated as follows:—First, no goods, the growth, produce, or manufacture of the colonies, were to be carried to any but a French market. Secondly, the colonial market was to be reserved for the commodities and produce of the mother-country. Thirdly, the carrying of all goods between the colonies and the mother-country was to be reserved for the shipping of France.

These rules, which embodied the spirit and policy of France with regard to her maritime dealings with her colonies, though undergoing from time to time various modifications necessitated by circumstances, have, as far as possible, been upheld and enforced, and in many cases with considerable severity. Thus, while the exclusion of alien shippers was jealously secured by the most stringent measures, as, for instance, by the law of 1727, Article 3, in which it was further ordained that no foreigners should land with their ships or other vessels in the ports, bays, or harbours, of the French colonies and islands, nor navigate within one league round the said colonies and islands, under penalty of confiscation of their vessels and cargoes, and a fine of 4000 livres, jointly and severally, upon the master and his crew. These rigorous prohibitions concerning sailing near the coast were, however, relaxed in favour of England, after the cession to this country by France in 1763 under the Treaty of Paris of various islands on the American coast, but with reference only to such as were in the vicinity of British possessions.

But these stringent laws, ere long proved most disadvantageous to France herself, and became a very great hardship to some of her colonies; for,



having lost Canada and Louisiana, which carried on a flourishing trade with the Antilles, the inhabitants of these islands were deprived of many essential commodities. Some of their ports were, consequently, opened to foreign shipping for the importation of certain enumerated articles, and the exportation of such of the goods produced by them as could not find a sufficient market within the French dominions.

Such, in a few words, were the ancient Navigation Laws of France; nor did the Revolution, which cast aside so many of the most venerated laws and customs of that country, discard the system of protection which those ancient laws were assumed to afford to their shipping. This system, on the contrary, seems to have suited the views of the chiefs of the revolutionary period, and, being, also, in accordance with the spirit of the stern legislators of that period, was rendered by them still more stringent by the addition of special prohibitions, which their predecessors had not considered expedient.

For instance, a decree of the 13th May, 1791, prohibited the acquisition from that date of all vessels of foreign build; and on the 21st September, 1793, another decree was issued, of a more comprehensive character.

Provisions  
of 1791 and  
1793.

But it must be remembered that France was then at war with all the Powers of Europe as well as with her own Rulers (the King having been beheaded 21st January, 1793), and, consequently, her commercial and naval laws were in accordance with the spirit of war, which has been ever opposed to the progress and well-being of the people. The laws, therefore, relating to trade and navigation, from

1792 to 1814 must not be considered such as the nation would have approved of if at peace, but rather as warlike measures, presumed to be necessary for the welfare, and, indeed, for the very existence of the nation. England being the nearest and most powerful enemy of France, as well as the financial supporter of all the other nations then leagued against her, it is not surprising that French statesmen should have passed such laws as had special reference to the injury of her maritime commerce and her power at sea; and that those laws should have been thought to display a spirit of revenge and hatred, though in reality they were merely counterparts of our own.

Consequently, Article 3 of the law of the 21st September, 1793, enacted that "No foreign commodities, productions, or merchandise, shall be imported into France, or into the possessions or colonies of France, except directly in French vessels, or in vessels belonging to the inhabitants of the countries in which the articles imported grew, were produced or manufactured, or from the ordinary ports of sale or exportation." All officers and three-fourths of the crew were required to be natives of the country of which the foreign vessel bore the flag, under penalty of the confiscation of the ship and cargo, and a fine of 300 livres, enforceable under pain of imprisonment, jointly and severally, against owners, consignees, and agents of the vessel and cargo, as well as against the captain and mate. Article 4, copied from the most ancient laws of France, ordained that foreign vessels should not carry from one French port to another any commodities, produc-

tions, or merchandise, of the growth, production, or manufacture of France, or of its colonies or possessions, under penalties similar to those provided under Article 3. Another article stipulated that no vessel should be allowed the privileges of the French flag, unless built in that country, or in the colonies, or other possessions of France, or condemned as a prize, or for any infringement of the laws of the State, and, unless all the officers and three-fourths of the crew were French.

The provisions of this Act were made more complete by those of the decree of the 18th of October of the same year (27 Vindémaire, year II. of the Republic), establishing, among others, various rules concerning the amount of repair to be done to a foreign vessel, sold after wreck in the waters of France, to entitle her to carry the French flag; the amount of repair which a French vessel might undergo in a foreign country without forfeiting its national character; and the conditions under which a French subject, resident abroad, might own a French vessel; together with several enactments for securing the French character of ships, and for the proper measurement of their tonnage. At the same time, there was created by the Act a system of taxes, for the purpose partly of revenue, and partly of protection, intended to supersede the previous system of marine taxation, abolished expressly by Article 29. Of these new taxes, some applied to the vessel and some to the cargo; but the most important of them was a duty, assessed according to tonnage, though in very different proportions, on all vessels, whether French or foreign, entering French ports; excepting

Amount of  
charges  
enforced.

French fishing vessels, or privateers, and French vessels returning from foreign countries. It amounted to *three* sous<sup>1</sup> per ton on French vessels of above thirty tons engaged in the coasting trade of the same French sea-board; to *four* sous per ton, where the trading was from the French ports of one sea to those of another; and to *six* sous, where the navigation was between France and her colonies or possessions beyond the limits of Europe. On foreign vessels, whencesoever they came, an uniform duty of fifty sous per ton was levied when they discharged their cargoes in French ports.

French  
and  
English  
Navigation  
Laws  
equally  
worthless.

Such were the most important provisions of these two stringent laws; they were, however, only similar, in nearly all respects, to those of England, so much so that they have, frequently, been called in France *Les Actes de Navigation*. Indeed, they were almost as famous, at the time, in that country as the so-called celebrated Acts of Cromwell were in Great Britain—notorious, rather than famous, not for any benefits they conferred on the people of either country, but because the object of each was to cripple the maritime and naval resources of the rival power without enhancing its own; for, in those days, the happiness and prosperity of one nation was supposed to be best promoted by increasing its power of summarily inflicting punishment for any wrongs attributed to its neighbour.

But the absolute rule introduced by the law of the 21st of September, 1793, against the importation into France of foreign produce by foreign vessels except those of the country from which the produce

<sup>1</sup> A sou is as nearly as possible one half-penny sterling.



originally came, could, in the nature of things, be only partially enforced. Supremacy cannot be obtained merely by the will of a legislator, nor can a stroke of the pen conjure navies into existence.<sup>1</sup>

The mercantile marine of France, which had almost entirely disappeared during the wars of the Republic and Empire, progressed so slowly for some time after the Restoration, that the assistance of foreign vessels became absolutely necessary for the supply of the French market. Strange, however, to say, for the supposed encouragement of the national shipping, and, as the next best protection that could be given to it, the carrying marine of all other nations was heavily weighted, by means of duties levied on almost all the commodities imported in foreign bottoms. In the first tariff, published after the return of the Bourbons, on the 17th of December, 1814, with the object of providing for pressing requirements until a more matured system could be established, differential duties were imposed on certain goods, more or less heavy, according as they were imported under a foreign or under the French flag. The system was developed and perfected by the Finance Law of the 28th of April, 1816, which established a new order of things, brought about by the heavy expenses of the *centjourns*, and of the fine

<sup>1</sup> To the "celebrated decrees" which followed these laws, that of Berlin of the 21st of November, 1806, and that of Milan 17th of December, 1807, and to our "Orders in Council," which were all mere acts of war, I have already referred at considerable length (see *ante*, vol. ii., Chaps. VIII., IX., and XI.). In regard to these Acts, nations would do well to refer to the saying of Napoleon himself, in 1816, at the commencement of his exile, "We must fall back for the future on the open navigation of the seas, and on the entire liberty of universal trade."—*Memorial of St. Helena*, 12th June, 1816.

imposed on the French nation by the treaties of November, 1815. Consequently, most of such articles as were admitted free under the French flag, were charged with duty under a foreign one. For goods liable to duty, when imported in French bottoms, the foreign carrying trade was generally mulcted with an additional charge through the instrumentality of a series of differential duties called, respectively, *surtaxes de pavillon* and *surtaxes d'entrepôt*.

"*Surtaxes de Pavillon,*" and "*d'Entrepôt.*"

The *surtaxe de pavillon* was the additional duty levied on such commodities when arriving under a foreign flag. The *surtaxe d'entrepôt* was an increase in the rate of duty on the same merchandise, though imported under the French flag, coming from the warehouses of intermediate countries. An example of both these taxes with reference to coffee may be drawn from the tariff of the Finance Law, Article 3, of the 28th of April, 1816;<sup>1</sup> and, by a further decree of the 26th June, 1841, it was laid down, as a general rule, that all goods under a foreign flag should pay the highest rate of duties.

"*Droits de Tonnage.*"

But, although this system of differential duties levied on goods conveyed from their place of production in foreign vessels, was somewhat modified by subsequent decrees and treaties of reciprocity, it remained, practically, in force, or to a considerable extent, up to a very recent period, while the *droits de tonnage* levied on foreign ships alone, were not abolished until 1867: these tonnage duties were of the most objectionable and purely protective character, all French vessels being exempted from this

<sup>1</sup> Coffee in French ships paid 48 francs per 100 kilogrammes, and in English and other foreign ships 84 francs.

charge. Happily, however, for France, there was one port where they were not exacted, and hence this has ever been one of her most flourishing commercial *entrepôts*.

By a strange anomaly, Marseilles had been, by the law of the 16th December, 1814, as well as by the ordinance of the 19th September, 1777, put out of the pale of the tonnage duty, and made substantially a free port. This exception, the revival of a still older privilege, had been conceded for the purpose of drawing again to Marseilles, as far as possible, the trade of the Mediterranean, which, during the long period of warfare through which France had passed, had been taken possession of by her rivals in that sea, principally, by the Genoese. The Marseillais considered it as a very great advantage; and Cette, besides other ports of the Mediterranean, solicited a like exemption from a duty they justly regarded much more as an evil than a protection; but in vain, till the time when, as will be explained hereafter, the whole of France was admitted to the freedom which had so long been the exclusive privilege of a single port.

The policy of France with regard to her colonies under the first Republic was continued by subsequent Governments, subject, however, to many qualifications and exceptions, by which the system lost much of its uniformity and regularity. But with reference to the treatment of the foreign mercantile marine, the rule excluding alien vessels from the trade between France and the generality of her colonies and possessions was for the most part maintained.

Special  
exemption  
of Mar-  
seilles.

French  
Colonial  
system  
preserved  
under all  
its Govern-  
ments,

The term *Colonie*, or *Colonie à Culture*, is equivalent to the English word Plantation. *Possession* or *établissement* applies to such settlements as were made more especially for the purpose of trading, some of the other colonies and settlements being of a mixed character. In the process of time the name of Colonies, in the vocabulary of the Fiscal and Navigation Laws, came to be applied in a stricter sense to the three coffee and sugar islands which had remained to France, La Guadeloupe, la Martinique, and Bourbon (or la Réunion as it is now styled). These three colonies had always been more jealously guarded than the rest from foreign intrusion, and had remained very much under the same system; a series of special regulations common to each of them, placing them, as it were, apart from the rest. The rule as to foreign vessels was still exclusion, and prohibition against approaching the coast (with an exception in favour of the English flag by the second Treaty of Paris in 1763 as already stated) was still, in principle, maintained under the same penalty of confiscation, a penalty, however, not unfrequently disregarded.

but greatly  
to the in-  
jury of  
her people.

These restrictive laws, as has been the case with all other countries, while most injurious to the mass of the people of France, are really of no benefit to the Shipowners of that country, in whose favour they had been passed and so long adhered to. A few individuals may now and again have been gainers, to the loss of the community at large, but a reference to the customs returns of that country too clearly demonstrates, that its shipping did not keep pace with the other branches of its commerce, and



that, ever since the time of Charles IX., when the Navigation Laws were first imposed, France has had to depend, frequently, to its serious loss, on the ships of foreign nations for supplying its population with, not merely the luxuries, but the actual necessities of life: the restrictive system, therefore, though remaining so long in force and apparent vigour, has ever exhibited a gradual tendency to decline, and, by slow degrees, has been worn away by the current of events flowing towards Free-trade.

It was not, however, until the year 1851 that the eyes of the people of France really began to be opened to the advantages to be derived from a policy of commercial freedom. In that year, the people of Great Britain had reared in one of the beautiful parks, by which their capital is adorned, an elegant structure. The idea, originating with the Society of Arts, was readily adopted by the Prince Consort of our beloved Queen.<sup>1</sup> Perhaps no grander and

English  
Exhibition  
of 1851.

<sup>1</sup> This Exhibition was followed by a similar one in Paris in 1855, and, when the Emperor Napoleon came to visit the Queen just before it was opened the merchants of London presented him with an address. The late Mr. Samuel Gurney was one of the deputation. After shaking hands with those of its members whom he knew, the Emperor remarked to Mr. Gurney that it was a long time since they had met. "Yes, Sire," said the fine old Quaker with one of his blindest smiles, "it is a long time, and there have been many changes since then;" having, evidently, in his mind at the time, the means, whereby his Majesty had risen to power, and the Crimean war. "I hope," continued the Emperor, "you will visit our Exhibition next year, and that you will allow me the pleasure of seeing you there." "It is my intention, Sire," replied Mr. Gurney, "to visit thy great PEACE DEMONSTRATION, and, should I do so, I shall not fail as thou wishest to pay my respects to thee." The Emperor was, doubtless, pleased with the ready manner in which his old Quaker friend had construed his Exhibition into a demonstration of peace, and, especially, peace with England, which, at that time, and, as I believe throughout the whole of his reign, he was most anxious to maintain.

nobler idea ever emanated from the mind of man. It had for its object peace and good will among nations, and no structure, hitherto erected, ever conveyed a more striking impression of "the abodes of Peace" than did the Crystal Palace of 1851. To it, all nations were invited to send specimens of the natural and cultivated produce of their soil, and the manufactures and arts of their people.

Messrs.  
Cobden  
and  
Chevalier  
meet first  
there,

In that marvellous structure, two great and good men for the first time met—Richard Cobden of England and Michael Chevalier of France. Men of such great intelligence could not fail to see how numerous were the articles exhibited which were required by the people of both countries where they could not be economically produced, but which were heavily taxed, merely for the special benefit of the few who produced them, to the great loss of whole communities; and that, consequently, productions and manufactures were limited by a system of protection, alike iniquitous and unnecessary for the purposes of revenue. They, therefore, resolved to do what they could to modify the tariffs of both countries, especially France, and thus to secure a more free interchange of those articles each country produced more cheaply and more abundantly than the other. The result of their labours was the Commercial Treaty of 1860.

and, ultimately in  
1860, carry  
the Com-  
mercial  
Treaty.

Although, by the great changes in the English tariff, carried into effect by Sir Robert Peel (1842–46), the duty on French goods had been much reduced in England, and on a great number of articles altogether abolished, France still maintained high duties on most manufactured articles, and, indeed, prohi-

bited altogether the importation of various descriptions of cotton and woollen cloths; the Treaty of 1860 had, therefore, not only the effect of abolishing or reducing duties still levied on French goods or produce imported into England, but of abolishing prohibitions and reducing duties on British goods and manufactures imported into France; and, above all, it gave an impulse to Free-trade ideas throughout Europe. In fact, immediately after that Treaty was signed, other treaties were concluded, on liberal terms, with most of the European States, and their direct or indirect neighbours. Indeed there was then a general movement, to a greater or less extent, in favour of increased freedom of commercial intercourse between all nations.

Had it been possible, it would perhaps have been desirable that a Treaty of Navigation should have accompanied or been embraced in the Treaty of Commerce with France, but, as it was considered by Government advisable to keep the one distinct from the other, a resolution I submitted for the consideration of the House of Commons,<sup>1</sup> though unani-

<sup>1</sup> The motion was as follows:—"That an humble address be presented to her Majesty, praying that she will be graciously pleased to enter into negotiations with the Emperor of the French with the view of making a Treaty for the reciprocal abrogation of all discriminating duties levied upon the vessels and their cargoes of either of the two nations in the ports of the other; and for procuring such alterations in the Navigation Laws of France as may tend to facilitate the commercial intercourse, and strengthen the friendly relations between England and France."—See 'Hansard's Reports' (March 29, 1860), vol. clvii. pp. 1528 to 1553.

Having prepared and carried this resolution, I had frequently occasion to correspond and converse with Mr. Cobden on the subject, who said that the labour in connection with the Commercial Treaty was so immense, that it would have been impossible to embrace the question

mously adopted, was held in abeyance until the Commercial Treaty had been finally adjusted.

The  
French,  
heavy  
losers by  
maintain-  
ing their  
Navigation  
Laws.

The discussion on that motion, however, paved the way for the changes subsequently made in the ancient Navigation Laws of France. It was shown, in the most incontrovertible manner, that the people of that country were serious losers by the maintenance of these laws, and that, by being unable to send their produce and manufactures, on as favourable terms as other nations, to the markets of the world, they were competing, at a disadvantage to themselves, while they were likewise sufferers by not being able to import the raw materials they required from abroad at the lowest current rates of freight.

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of navigation. Indeed, he observed that he, alone, never could have got through with its numerous details, had it not been for the valuable assistance rendered by Mr. (now Sir Lewis) Mallet, who, at that time attached to the Board of Trade, accompanied him on his mission. I can also state of my own knowledge that the services of Mr. Mallet during the subsequent inquiry into the French Navigation Laws were of the greatest importance. With regard to the Commercial Treaty itself, there can be no doubt that, if the Legislatures of England and France, of their own free will, had adopted measures to allow the people of the respective countries to exchange their produce and manufactures free from all duties, except such as were required for the revenue, it would have been much preferable to the system of "bargaining" which Treaties invariably entail; but, unfortunately, all nations do not yet see that, if a principle is sound, it must be beneficial wherever it is applied, and, as they are still prone to set up their own laws in opposition to the laws of nature, no step in advance could have been made at that time, so far as France was concerned, without a Treaty. On the other hand, I have frequently heard objections raised to the Treaty because France was the larger gainer; its opponents said, to use a homely phrase, that the French people got 9*l.*, while we got only 3*l.* out of the shilling. I offer no opinion on this point, but even if such were the case, we are 3*l.* better off than we should have been had no Treaty been made, and why therefore should we cavil against it?



Practically, thirty-five out of thirty-six millions of the nation (for I presume that not more than one million of the inhabitants of France depend for their living, directly or indirectly, upon its shipping) were paying for the support of the remaining thirty-sixth million.

Nor does this payment, which their Navigation Laws so long enforced, seem to have been of any advantage to the favoured class for whom it was made. The shipping of France did not increase. On the contrary, it actually decreased during the whole period when these laws were enforced with the utmost rigour. While, in the year 1787, France employed 164,000 tons of native shipping in her trade with foreign countries, she had, forty-three years afterwards, only 156,000 tons. In her colonial trade, which was confined entirely to her own ships, she employed 114,000 tons of French shipping at the former period, and only 102,000 tons in the year 1860. But the most complete answer to those persons who desired still to retain the Navigation Laws was the remarkable fact that, while the protected branches of her shipping trade decreased, there was a steady and not inconsiderable increase in those branches of it, where her ships had to enter into competition with the vessels of other nations.

Decline  
of French  
shipping.

Though the motion which the House of Commons had adopted was in favour of a Treaty, that mode of negotiation presented so many objections that, nine months after it had been passed, when Lord Russell furnished me with an introduction to Lord Cowley, it was arranged that we should endeavour to induce the French Government to consider this

Mr. Lindsay visits France, and has various interviews with the Emperor, Messrs. Rouher and Chevalier, on this subject.

question as one entirely relating to France, and to urge that she would inquire for herself, and, having done so, to pass such measures as would be most conducive to the interests of her own people, irrespectively of other nations.<sup>1</sup> This was the course subsequently adopted.

There were many enlightened men in that country, as I shall hereafter show, who entertained opinions favourable to the desired change, though the prejudice in favour of the ancient laws and customs had become so strong in the minds of the mass of the people, that it would have been all but impossible to remove it, except through the powerful influence of the enlightened monarch *then* governing France, who readily saw the advantage the nation would derive from Free navigation. Consequently, he in due time appointed a council to inquire into the whole subject.<sup>2</sup>

<sup>1</sup> I daresay many persons thought at the time that I was interfering, where I had no business, with the affairs of Diplomacy; but the truth was this, as I had taken upon myself the responsibility of the motion which the House of Commons adopted, Lord Russell felt, that I ought to go a step further, and do what I could to carry it into effect, more especially, as the whole question was one full of technical details. Indeed, Lord Cowley frankly stated that it was so technical in its character, that he did not feel competent to bring it under the notice of the French Government, and, in justice to his Lordship, I must state that, so far from feeling that I was interfering with his duties, he, not merely, rendered every assistance in his power, but was most anxious that I should succeed in the object of my self-imposed mission. The advantages I possessed were a practical knowledge of the subject in all its bearings and details—a slight personal knowledge of the Emperor which I had gained when I had an interview with him about his transport service during the Crimean war, and, more especially, the friendship of Michel Chevalier, through whom I became acquainted with M. Rouher, the then Minister of Commerce.

<sup>2</sup> Having consulted with Messrs. Rouher and Chevalier as to the most advisable course to pursue, and, seeing with them the difficulties

In the meantime an important step was taken in Colonial Legislation, which paved the way for

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which had to be overcome, I had resolved with their entire consent—indeed on their suggestion—to seek an audience with the Emperor himself, a course which so thoroughly met the approval of Lord Cowley, that he, at once, undertook to obtain it, and, himself, to accompany me to the Tuileries. I had learned from the “tossing of the horses’ heads” what an apt scholar I was about to meet, and that any imperfect arguments or inconclusive facts would be at once detected. Consequently, I had carefully rehearsed in my mind every point necessary to bring under his notice, and had taken all my figures from the *French Official Returns*. At first the subject, necessarily a dry one, did not seem to interest the Emperor, but, when I called his attention to the fact that, while the sailing-ships of Great Britain had been increased during the previous twenty years by 2,800,000 tons, and her steamers by 400,000 tons, those of France had only, in that time, been increased by 370,000 tons, and 50,000 tons respectively, though her general commerce, in every other branch, increased nearly as rapidly as our own, he asked me to repeat the figures and explain, why it was that there was such an enormous difference. The task was an easy one; but, perhaps, the facts which struck him most were, that, though the Shipowners of France were carefully protected at a loss to the community, as more than one-half of the whole of her oversea carrying trade was conducted by foreign vessels owing to the differential duties, her people were really paying greatly enhanced prices for everything they required from abroad, without adding one sixpence to his revenue.

The interview, which, altogether, lasted for nearly two hours, must, however, have made a considerable impression on the Emperor, for, on parting, he requested me to put in writing, and in a letter addressed to himself, the leading facts and figures I had brought under his notice, and to let him have it that evening, if convenient. I made it convenient, and by 6 p.m. of that day he received the letter, a copy of which will be found in the Appendix, No. 4, p. 582.

On the following morning, I received a note from his private secretary, M. Moequard, saying that the Emperor wished to see me that forenoon alone. After communicating with Lord Cowley, I waited upon his Majesty, and his first expression was, “I have read your letter more than once, and I wish you to explain more fully the effect of the Navigation Laws.” That I might convey to his mind, effectually, the operation of all such laws, I asked for the use of a Mercator chart on a large scale, which was soon obtained, and, spreading it on the floor, I drew upon it, with a pencil, lines to explain, for instance, the usual course of com-

more important changes. La Martinique, la Guadeloupe, and la Réunion (or Bourbon), the only three

merce with India, by way of Egypt as well as by the Cape of Good Hope. I then showed him that, though our steamers and sailing-ships were constantly passing his chief ports of Havre and Marseilles laden with produce, of which his people might be in the greatest want, the differential duties imposed by his laws prevented us from landing these goods; and then, turning to his own official returns, I repeated the fact that not one franc of revenue was derived from these dues; so that, while his people were heavy losers on one hand, his exchequer was not benefited on the other. To obtain the sugar, coffee, indigo, and other articles with which, for instance, a Peninsular and Oriental steamer passing his port of Marseilles was laden, it was necessary that they should be carried through the Straits of Gibraltar (still tracing the lines on the chart), cross the Bay of Biscay, pass his other great port of Havre, and be carried on to Southampton, to be there landed, and, most likely, sent by railway to London, where they were bonded, and thence shipped again in either French or English vessels for Calais or Boulogne, and then conveyed across France to wherever they might be required by his people; possibly even to Marseilles or Havre. "Now, Sire," I said, still kneeling on the chart and looking earnestly at the Emperor, "if your people prefer to have what Indian produce they need conveyed to them, in that very roundabout and expensive manner, instead of importing it direct in whatever vessels may be ready to carry the produce to them on the most favourable terms, it is a process to which I, as an Englishman, have no objections to offer, for we carry in our ships not merely the great bulk of the Indian produce, but have also much extra profit from it in the shape of landing, bonding, railway carriage, transhipment, commissions, and so forth; I do not, however, see how your manufacturers can compete successfully with those of other countries, if they are compelled by your Navigation Laws to import the raw material they require by such antiquated and expensive modes as these."

As the room, in which we were was small and the light not very good, the Emperor had followed my example, and, that he might see the lines and ports more distinctly, had himself, before I concluded, knelt down also on the chart.

In the palaces of France are to be found many grand pictures descriptive of the wars of the Empire, but its artists may now add to the decoration of these walls a far grander and nobler scene, and represent their last Emperor performing a duty to his people of much greater importance as regards their future welfare and happiness, and far more worthy of record than the blood-stained fields of Magenta



of her old sugar plantations which France still possessed, had been long complaining that the benefits they derived from the *Pacte Colonial* had entirely ceased, since the protection which their sugar used to receive in the French market against foreign sugar, and against that manufactured in France, had been withdrawn; and that nothing remained of that system, except the hardships they had to endure from the exclusion of the foreign trade and flag, and the difficulty they had in getting rid of their produce, which the French shipping was not sufficiently numerous to export.

In consequence of these and other<sup>1</sup> representations, a law, passed on the 3rd July, 1861, enacted (Articles 1 and 2) that all the foreign commodities allowed to be imported into France were to be admitted into Guadaloupe, Martinique, and Bourbon, under the same conditions and duties. Article 3 broke down the barrier which had hitherto shut out foreign shipping from freedom of access to those islands. It allowed the importation of foreign goods under every flag, without distinction, subject, however, to the

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and Solferino. I had, subsequently, frequent occasion to see the Emperor on the subject of these laws; and I gave evidence, for the same purposes, before the *Conseil Supérieur* he appointed to inquire into them: in the report of these proceedings there will be found a copy of my letter to his Majesty, and also a copy of one addressed to M. Fleury on the same subject. (See Appendix to this volume, No. 5, p. 591.)

<sup>1</sup> The dates were:—Address of the House of Commons, and debate upon it, 29th March, 1860; brought under the notice of the Emperor, 10th January, 1861; Report of the Minister of Commerce of France to the Emperor relative to the state of the French Mercantile Marine, published in the *Moniteur* 2nd May, 1862; Conseil-Supérieur of Commerce commenced its inquiry, 10th July, 1862.

payment of special duties, which varied according to the ports from which the goods were brought, and those to which they were imported. Thus, goods carried under any foreign flag from Europe or the Mediterranean to the Antilles, had to pay a duty, per ton, of 20 francs; if to the Réunion, of 30 francs: and when from the ports of the Atlantic coast (except the Cape and its territory), to the Antilles, 10 francs; and to Réunion, 20 francs. The duties, however, imposed by this Article, were only applicable to such foreign commodities, admissible under the previous laws, as were not liable to a higher duty. Otherwise, that duty was to continue in force. Article 6 went further, and allowed French goods to be carried to the colonies in question, and their goods to France, in foreign bottoms, subject to a duty of 20 francs per ton of cargo between France and the Antilles, and of 30 francs per ton between France and La Réunion.

The seventh Article granted the like freedom for the exportation of the goods of the colonies, either to foreign countries or to any other colony, provided such colony were beyond the limits of the coasting trade. But the law still excluded the foreign mercantile marine from entering the Colonial coasting trade, and it was only applicable to the three colonies mentioned in the Act. Nor were its provisions applicable to the other French possessions, nor to its coasting trade; nevertheless, it was an important step towards the freedom of maritime commerce.

Many difficulties, however, had still to be overcome, and though the *Conseil*, after a most minute inquiry, and the publication of three large volumes of

evidence, reported that great changes were imperatively required in the laws, their recommendations did not receive the sanction of the French legislative chambers until 1866,<sup>1</sup> and then only after many prolonged discussions.

ultimately  
passed  
May 1866.

Among these difficulties may be mentioned the removal of certain local charges on shipping, which had long been maintained in our ports, and against the payment of which the French Government had frequently protested, though neither the vessels of France nor of other countries were called upon to pay more than those of our own, except in some special cases, such as the case of ships owned by freemen, and other locally privileged persons, who were exempt. These charges differed in every port, and sometimes within the limit of the same harbour. Some of them were levied by virtue of Acts of Parliament, but others of a vexatious character, though trifling in amount, were only claimed by a prescriptive right, through long user. Those which were levied by prescription were either in the nature of petty customs, or of duties charged on vessels for anchorage, keelage, or with respect to ballast or to fees levied on goods in the nature of cranage, metage, cartage, wharfage; and, in too many instances, they were extorted for the use of cranes which had no existence, or of wharves which for ages had tumbled into decay. No doubt, in ancient times, it was an unquestioned prerogative of the Crown to create petty customs for local purposes, and, though that

<sup>1</sup> See correspondence respecting the operation of the French Navigation Laws on British Shipping, Parl. Pap. 1867; also No. 11 Appendix, of this volume, pp. 620-3, where these dues, as they existed in 1852, will be found.

power has long since ceased to exist, when once granted to corporations or individuals it became assignable, like other property. It was, therefore, no easy task to abolish them without conceding the exorbitant demands of their owners, as the Board of Trade found out when the Vice-President, Mr. Lowe, brought the subject before Parliament.<sup>1</sup> But France insisted on their abolition, and, since then, the great bulk of them have been removed, by purchase or otherwise.

By Article 1 of the law of the 19th May, 1866, all materials raw or manufactured, including marine engines, intended to form parts of the construction or equipment of iron or wooden vessels, were admitted into France duty free. Article 2 abolished the premium granted by the law of the 6th May, 1841, on all steam-engines manufactured in France intended for international navigation. Article 3 permitted, after the expiration of six months from the promulgation of the law, the admission of foreign-built and fully equipped vessels to registration on payment of two francs per ton admeasurement; while Article 4 abolished all tonnage duties upon foreign ships, except such as had been or might be levied for the improvement of certain commercial harbours.

Its conditions.

But other changes were more tardily made: Article 5 providing that, only after "three years from the promulgation of the present law, the surtaxes on the flag (*surtaxes de pavillon*), at present applicable to productions imported from the countries where they are produced, otherwise than under the

<sup>1</sup> See *ante*, p. 411.



French flag, shall be abolished;" while Article 6 provided for the ulterior establishment, by imperial decree, of such compensating duties as might be rendered desirable, in consequence of any other nation imposing on the French flag higher duties than were to be levied on its own vessels; thus copying the retaliatory clause of the English Navigation Repeal Act of 1849. By Clause 7 these various articles were made applicable to the islands of Martinique, Guadaloupe, and Réunion (or Bourbon); and by Clause 8, the conditions of Articles 1, 3, and 4 were extended to Algeria; while by Article 9 the trade between France and that colony and its Coasting trade (*cabotage*) was permitted to be carried on by foreign vessels under the authorisation of its governor.

The 10th, or last Article, of the law of 1866, abolished the differential duties (*surtaxes de navigation*) which had been imposed on goods imported under a foreign flag, and the lower rate of duty on certain commodities, imported from French warehouses, under the flag of that country.<sup>1</sup>

But the law of the 19th May, 1866, was very far from giving general satisfaction in France. Many French Shipowners were as loud in their complaints against it as the most noted Protectionist had been in England against the repeal of her Navigation Laws, and with, perhaps, more valid reasons. The new law did not give to them that freedom in the purchase or construction of their ships they had a right to expect. And though the duty of two francs

Repeal  
Act  
unsatisfactory to  
the French  
Ship-  
owners.

<sup>1</sup> A proposal was made to abolish the *Surtaxes d'Entrepôt*, or taxes upon goods from the warehouses of Europe, but it was summarily rejected.

per ton levied on every ship they purchased from a foreign country was insignificant, the restrictions, imposed on all materials necessary for the construction and equipment of vessels in their own country, were of a harassing and vexatious character. The measure in itself was good, but various classes of Protectionists, fearing that numerous articles might be imported which could be used for other than ship-building purposes, and thus interfere with their own particular branches of trade, had influence enough with the Legislature to obtain the issue of another decree<sup>1</sup> on the 8th June following, which nullified

<sup>1</sup> The Articles of this Decree were as follows:—

Article 1. From the date of the promulgation of the present Decree shall be admitted, free of import duty, conformably to Article 1 of the Law of May 19, 1866, with respect to the Mercantile Marine, all raw or manufactured objects entering into the construction, rigging, equipment, and maintenance of steam or sailing-vessels, of wood or iron, destined for commerce.

Articles such as moveable furniture, bedding, linen, plates and dishes, cutlery, table glass, and, in general, all objects intended for personal use, shall not be considered as forming part of the equipment.

Art. 2. Shipbuilders, and manufacturers of articles destined for the construction, equipment, rigging, or the maintenance of vessels, can alone enjoy the benefit of the provisions of the present Decree as far as raw materials are concerned.

To these articles they will have to prove their title at the Custom-house.

Art. 3. Declarations made at the Custom-house for the admission of articles duty free must bear, with respect to every kind of produce, the particulars required by the Custom-house Regulations for the payment of the dues.

Art. 4. Importers must engage, by an undertaking guaranteed in due form, to prove, within a period not exceeding one year, that the raw material admitted free, or the products manufactured with such material, or, finally, the machines and machinery, detached portions of machines, and other articles completely finished and temporarily admitted free, have been applied to the use of vessels.

If, at the expiration of the term of one year, the before-mentioned proofs have not been produced, the Custom-house will collect the

in some important respects the operation of the law of May 1866, and rendered it less beneficial to the people of France.

official fees, and take steps for their recovery, conformably to the third paragraph of Article 1 of the Law of May 19, 1866.

Art. 5. All declarations relative to machines and machinery, to detached parts of the same, and to other articles completely manufactured, should contain the description of the said articles, in order to ensure identification, and this, without prejudice to the stamp which may be applied to steam or other machinery, to detached portions of machines, to boilers, to sails, and to such other articles as the Custom-house officers may think fit to apply it.

Art. 6. The incorporation into vessels of the raw material, or the placing on board of manufactured articles destined for construction, rigging, or equipment, shall be preceded by a declaration specifying—

1st. The nature and weight of the raw material, as well as of the manufactured articles to be employed or put on board;

2nd. The date, number, and office of delivery of Custom-house discharge; and,

3rd. The vessel to the construction, repair, or use of which the said raw materials or the said manufactured articles shall have been applied.

When a manufactured article, which shall have required several metals in its construction is in question, the declaration shall indicate the weight of each kind of metal.

Art. 7. The Custom-house, in order to check the declarations set out of the employment, whether as to raw material or manufactured articles, shall make use of whatever mode of proceeding it may judge necessary.

Art. 8. There shall not be applied to vessels in substitution:—

1st. For iron in bars of irregular shape, any except articles manufactured with iron of a like irregular shape.

2nd. For iron plates and rolled copper of a millimètre and less in thickness, any objects unless manufactured with sheet iron or rolled copper not exceeding that thickness.

In no case shall articles be admitted in the auditing of the importation accounts, made up with materials of a degree of manufacture less advanced than that of the articles tendered for entry.

Art. 9. Products manufactured with raw materials introduced duty free must represent those same materials weight for weight, and without any allowance for waste.

Art. 10. All infractions of the provisions of the present Decree will be followed by the application of the penalties provided under the third paragraph of Article 1 of the Law of the 19th May, 1866.

Under such vexatious restrictions it was impossible for the shipbuilder of France to compete successfully with those of other countries, as they were nearly as prejudicial to his interests as they would have been by the maintenance of the duties on all the articles he required. Competition in every branch of commerce throughout the world is so close, that, wherever the Legislature imposes not merely taxes but conditions, which, from their nature, must necessarily interfere with the course of business, and occupy a considerable portion of the shipbuilder's *time*, which is a part of his capital, he cannot successfully compete with those of other countries where no such conditions are imposed.

Such restrictions, though in themselves comparatively unimportant, afforded the Shipowners of France a lever which they worked incessantly, hoping with the aid of the other Protectionists, to overthrow in time, the wise and liberal Act of the 19th May, or at least to abrogate its leading principles. At last the complaints from the seaports, and some changes in the administration of affairs, led to the appointment of a Commission or Parliamentary Committee, with powers to inquire not merely into the effect of these restrictions, but into the state generally, of the Commercial Marine of France, and on the best means of affording it assistance, should any be deemed necessary or desirable.

Another  
Commis-  
sion of  
Inquiry  
appointed,  
1870.

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Art. 11. All articles placed on board vessels, and all material incorporated into the construction of the said vessels under the provisions of the present Decree, shall, in case of landing, or in case of the dismantling, repairing, or breaking up of the ships, be subject to the provisions of general legislation in matters of Customs' dues.



Although this Committee, which sat early in the year 1870, never concluded its labours, its minutes are interesting and instructive, from the depositions and discussions they embodied, and, more especially, from the important fact, that not a few even of the Shipowners themselves, who had previously doubted the policy of Free-trade as applicable to their own interests, had, within the previous five years, become converts to the advantages to be derived from unfettered commerce. But the larger portion of them were, as, in fact, Shipowners have long been in all countries, Protectionist. They contended that the French commercial marine was both absolutely and comparatively in a state of decline, caused, as they argued, mainly, by the abolition of the protective duties, which they held were necessary to prevent them from being ruined by foreign competition. Among the various causes they alleged, as rendering them unable to compete successfully with the vessels of other nations, was the want of "bulky freights," in consequence of which their ships had frequently to leave France in ballast, or with incomplete cargoes; and, moreover, that "France, being at the western border of Europe, English, German, and other northern vessels, called at her ports, when not fully laden, to complete their outward cargoes, and compete for French freight with French shipping."

On the other hand, the partisans of Free-trade denied that French shipping had declined either absolutely or in comparison with the commercial marine of other countries. While conceding the point that the rates of freight had diminished, they maintained that such was the case in all other parts

Views of  
rival  
parties.

of the world; that this, therefore, was not in any way peculiar to France, such diminution of freight being, in fact, the natural consequence of a competition which, in the interests of the community at large, it would be as impossible as it was undesirable to prevent. Moreover, they showed that, where their Shipowners had kept pace with the movements of the age, by substituting iron for wood, and steamers for sailing vessels, whenever the requirements of the trade necessitated a change, and in cases, where the masters of these vessels themselves were enterprising and disposed to seek for freight, wherever it could be most advantageously procured, they had increased. Thus proving that the French commercial marine was fully able, if relieved from needless restrictions, to hold its own against that of any other nation. What they required was to have the "system of liberty more completely and logically applied" by the alteration or abolition of certain oppressive burdens; and by the removal of all troublesome, onerous, and, frequently, frivolous duties imposed by the French laws, besides a few other reforms which they specified.

But those Shipowners who favoured the Free-trade movement were, as has been the case in other countries, assailed as traitors by the adverse party, who taxed them with having selfish views, at variance with the true interests of French shipping, owing to their position of commission agents or shipbrokers, as well as of Shipowners; and, no doubt, these two interests were conflicting, inasmuch as the profits on the vessels might be made subservient to other and more lucrative sources of gain. But this is an old

story, which has been frequently told, and those persons who, in this instance, used it as an argument, did not perceive that it was double-edged. Nor was it, indeed, conclusive, as, whatever the motives which prompted the arguments of the partisans of Free-trade, these arguments were good and sound in themselves. Besides, there were many shipowners in France in favour of Free-trade who had no other interests to serve.

For example, the late M. de Coninck,<sup>1</sup> who was M. de  
Coninck. a large shipowner, in his evidence states that he had given up every other branch of business except ship-owning—being at the time, as he remarked, “nothing but a carrier” (*charretier*). In other respects his evidence was equally frank and straightforward. The cause, he deliberately told the Commissioners, the real cause of the complaints of the Protectionist Shipowners was not loss, properly speaking, but a mere diminution in their profits;<sup>2</sup> this loss, certainly, had, he as frankly admitted, been reduced by competition to an average rate, inferior to that of the palmy days of Protection, during which, he added, the Shipowners obtained unreasonably large profits at the expense of the community. M. de Coninck then gave happy illustrations of the loss so called of which they so loudly complained. “Formerly, and in my time,” he said, “it was considered that a vessel should clear herself in three voyages! That was the golden age of shipowners; but there is

<sup>1</sup> This gentleman was an eminent merchant and shipowner of Havre; he was also one of the most able and consistent supporters of the freedom of navigation.

<sup>2</sup> See *ante*, p. 363, in regard to how some persons calculated their losses.

no such thing now, and, when we can gain *ten* per cent. per annum on the cost of our vessel we should be well satisfied.”<sup>1</sup>

M. Bergasse.

In support of the opinions expressed by M. de Coninck we have the indirect testimony of a well-known Protectionist who gave his evidence before the Commission. M. Bergasse, himself a leading Shipowner of Marseilles, was deputed by the Shipowners of that important seaport to appear before the Commission and state the hardships of their case. He was a gentleman of high position and considerable experience and knowledge of the world. After attempting to show the advantages which the Shipowners of other nations had over those of France, he came to the old story which had been told a thousand times in England about the Shipowners and seamen of Norway, Sweden, and Denmark, “accustomed,” said he, “to live poorly, they equip their vessels in an entirely economical manner, and *do not seek to make Shipowners’ fortunes*,<sup>2</sup> but only to gain their livelihood.”

M. Siegfried.

M. Siegfried, a retired merchant, who followed, gave much valuable evidence, showing the fallacy of the system of protection as insisted on, in this instance, by its partizans. He contended that France, so gifted by nature, only required outlets for her oversea commerce, a better commercial training, and a more hardy and enterprising spirit in trade. In the course of this portion of his evidence he stated, as characteristic of the business deficiencies of French

<sup>1</sup> See the Minutes and Evidence before the Commission, p. 877.

<sup>2</sup> “Ne cherchant pas à faire des fortunes d’armateur.”—See Minutes of Evidence, p. 166.



shipmasters, that French export houses frequently chartered English vessels in preference to those of their own country, because the English masters were more easy to deal with, and more accommodating in their way of doing business. Nor were they subject to the extreme anxieties about their responsibility which distinguished the French shipmasters. For instance, he said, the latter will constantly insist upon somebody coming to take note "that bale number so and so had been wetted in the corner," and, by calling attention to reserves and protests on the bills of lading were, constantly, wearying exporters by their troublesome and minute precautions against responsibility.<sup>1</sup> With regard to the demands of the Protectionists, he strongly adjured the Commissioners on no account to be induced to advise the resumption of the differential duties, as any such protection to the commercial marine of France could have no other effect, in the end, but to increase the prosperity of the railways and to give a fresh impetus to the maritime prosperity of the Italian ports, on the one hand, and of Antwerp and other ports in the northern vicinity of France, on the other.

But this most excellent advice was given in vain ; and, though the Commissioners do not appear to have made any regular report on the evidence, the evidence itself was so full of Protectionist views that it taught abundant Protectionist lessons to the legislators who had to draw conclusions from it. Many of these gentlemen are, indeed, imbued with strong

<sup>1</sup> See Minutes of Evidence, p. 632, *note*. Matters have materially changed in this respect during the last forty years. While French shipmasters have deteriorated, the English have been greatly improved by education and competition.

Conservative principles, and are, naturally, prone to seize on any statement in favour of their own views without inquiring very minutely into its soundness.

M. Thiers  
and Pro-  
tection  
carry the  
day,

Although an impression prevails that the spirit of Protection took deeper root, than it had previously done in the French Legislative Assembly, after the terrible disasters of the war with Germany, the truth is that it only manifested itself owing to the pressure exerted by M. Thiers when he came into power on that memorable occasion. The spirit of the Assembly was still as much in favour of freedom of commerce as it had been in 1860, when it passed its famous commercial treaty with England. But the enormous drain on the resources of France, together with other causes, and the then all-powerful influence of M. Thiers, who, throughout his long life, has been an honest Protectionist in its most original form, inspired the Assembly with a financial policy intended to husband those resources and to make the most of them, but, being timorous and narrow-minded in its conception, it was by no means calculated to attain the object in view. That such was the case we see most clearly in the system adopted by the New Assembly with respect to foreign commerce, and even more especially, in its relations with the mercantile marine of other countries. That Assembly, in its wisdom, decided that the commercial treaties between England, on the one hand, and Belgium, on the other, should be revised from a Protectionist point of view, so as to return to the old system. Happily, however, a proviso was introduced into the new law which was only in conformity with the spirit of the

Treaties of 1860, whereby it was decreed that timely notice should be given to England and to Belgium of any intention on the part of France to put an end to the Treaties of 1860.

But the Assembly had its own way with regard to foreign shipping, and, by the laws of the 30th January and 3rd February, 1872, it was enacted, almost entirely through the overwhelming influence of M. Thiers: That all goods imported in foreign ships, except from the French colonies, were to be charged with a *surtaxe de pavillon* per 100 kilogrammes, according to the following scale of rates: from the countries of Europe and the basin of the Mediterranean, 75 centimes; from countries out of Europe, on this side the Capes of Horn and Good Hope, 1 franc 50 centimes; and, from all countries beyond these Capes, 2 francs. Guano was, however, excepted from these duties because a French mercantile house had entered into a contract to purchase a large quantity of it from the Peruvian Government.

This law further provided that all goods produced, originally, by countries out of Europe were liable to a *surtaxe d'entrepôt*, when imported from the warehouses of Europe, of 3 francs per 100 kilogrammes, unless they were, by the laws then in force, liable to a higher duty, which, in such case, would be charged. But, perhaps, the most suicidal portion of this law, as affecting the French Shipowners, was the re-imposition of from 30 to 50 francs per ton measurement on all foreign vessels, purchased for registration in France, together with a duty on marine engines. Again, a tonnage duty was charged on vessels of every flag coming from any foreign

and re-  
versed, in  
1872, much  
of the law  
of 1866.

country or from the French colonies, of from 50 centimes to 1 franc per ton measurement; while Articles 1, 3, and 5, of the law of the 19th May, 1866, were repealed.<sup>1</sup>

The object, however, of this new law seems to have been, more especially, directed against the vessels of those countries which were in some respect protected by commercial treaties, and would, otherwise, have been free from it. It was introduced by a report of M. Ancel, of a very discouraging character, who charged the law of 1866, which had abolished the *surtaxes de pavillon*, with the sufferings and depression of the French maritime interests. Among the injurious effects attributed to that law, M. Ancel's report alleged the diminution of the imports under the French flag from India and the South Seas. Thus, he stated that, previously to 1860, the foreign flag carried only a small portion of these goods (they never carried any on account of the prohibitory differential duties then in force), whereas,

<sup>1</sup> It may be remembered that when the Assembly rejected certain important clauses of this foolish Bill, M. Thiers resigned. He, however, knew full well that at that moment the Assembly would submit to his wishes sooner than let itself be deprived of his services. It was only, therefore, in subserviency to him, that the retrogressive law of 1872 passed the Assembly. It may have been the case that, at this period of disorder and financial pressure, there was a rush of Protectionists to propound their schemes for raising revenues—schemes for making other people pay these debts—the cherished but delusive theories of bygone ages; but the main spring of action was the influence of M. Thiers. He was *the* Government of the day. He abhorred any opinions different from his own well-known principles in favour of Protection, which he urged with all his might, and, being then all-powerful, he carried the Assembly with him; and, that such was the case, is clearly evident from the fact that, immediately after his overthrow, the laws he had forced upon France were changed, and the limited liberties of its people, which he had removed, were again restored.



in 1869, three-fourths of them had been imported into France in foreign vessels. Consequently, he demanded, forgetting altogether the interests of the consumer and manufacturer, the re-establishment of the *surtaxes de pavillon* upon all importations, except those under the flag of such producing countries as were protected against *surtaxes* by the treaties of navigation with France, at the same time, expressing a hope that these changes would afford to the French Mercantile marine “an encouragement and a strength that its situation imperatively required.”<sup>1</sup>

But it is difficult—indeed it is impossible, to understand how the abolition of the *surtaxes de pavillon* by the law of 1866 could have caused so much mischief in 1869 and previously, as it was only from the 11th of June of that year that the abolition came into operation; and as to the *surtaxes d'entrepôt* they had, in fact, never been set aside! It was on such grounds as these, that the chief provisions of the wise and liberal Merchant Shipping Act of Napoleon III. were swept away!

Happily, however, there are still many able and shrewd men in the Councils of France—men who were, from the first, well aware of the pernicious

<sup>1</sup> The fact, as I learn from my friend M. Michel Chevalier, connected with this Committee of Inquiry—the evidence before which was made the basis of Thiers' measure—was that Pouyer-quertier, though not a member of it, exercised so much influence with its chairman, M. Paulmier, a deputy of Calvados, that he, being constantly in attendance with witnesses of strong Protectionist views, prevailed on him to put such questions to them, as would make it appear that Free-trade was ruining France. Witnesses of Liberal views, as I have shown, could hardly be heard. Nevertheless, the Committee, as I have already observed, came to no conclusion, and no report was made beyond the informal one of M. Ancel.

Just views  
of the  
Duke  
Decazes.

effects which this law had produced upon the commerce of their country. "It may be said," remarks the Duke Decazes with great truth and wisdom, "that it is that law which has jeopardised the great trade in corn of the port of Marseilles, in the same way as it has directed towards Genoa the exports of ore from the island of Elba, so valuable for our foundries . . . what has taken place in the south is equally brought under our notice from the north, with respect to the port of Antwerp, which has profited by the new law to the detriment of Havre and Dunkirk. In those seas, it is the German flag which has now obtained the advantage, and enjoys the freight which heretofore pertained to the shipping of France."

Abolition,  
for the  
second  
time, of  
the *Sur-  
taxes de  
Pavillon*,  
July 1873.

Unanswerable facts such as these, confirming as they did the lucid and strong opinion expressed by M. Siegfried, showed what a nation may suffer, if it disregard the clear teachings of political economy applicable to all nations, and adopt such ancient and exploded dogmas as those propounded by M. Thiers; hence the Assembly retraced its steps, and by the first article of the law of the 28th and 31st July, 1873, which is still in force, the *surtaxes de pavillon* were, for the second time, abolished.<sup>1</sup>

It is to be hoped that this practical measure will have more effect than the disregarded admonitions of experience and of knowledge, and that the *surtaxes*

<sup>1</sup> M. Thiers, it may be remembered, was thrown out of office May 24, 1873, and, as this Bill was passed on the 31st of July, or only two months after his fall, his political opinions cannot have left much impression on the Assembly which had so recently been under his dictatorship.

*de pavillon* will no more find a place in the statute book of France. For the present, vessels of all foreign countries are placed upon the same footing as those of France, except with respect to the Coasting trade between its ports, from which foreign vessels are, as a rule, excluded, except those of Spain. Richer in agricultural products than most other countries, and, with a population very largely engaged in the cultivation of the soil, the French people will, no doubt in time, see the many advantages that they themselves would derive, were this trade, also, thrown open to the competition of the ships of all nations; not, that any nation could manage it so well and profitably as themselves, resident as they are on the spot, but, the fear of competition from others would have a marvellous effect in rousing French Shipowners, as it did those of England, to greater efforts on behalf of their own interests, apart from the interests and well-being of their country.

It may thus be hoped that France will not again be found in the crooked road of retrogression, but that, having under innumerable difficulties and after long years of political discussion, often in the midst of civil wars and great changes in her constitution, achieved victory over the antiquated dogmas of a cumbrous and ruinous system of protection, she will continue in the clear path of progress, which so well becomes a nation endowed by nature with the richest soil and finest climate in Europe. Possessing a population, whose industrious and frugal habits will enable her to maintain for centuries yet to come the relatively high

position she has always held among nations, her legislators would do well to teach the people that these great natural advantages, and not her armies, are the true sources of the lasting greatness and happiness of France.



## CHAPTER XVI.

Recent legislation relating to the loss of life and property at sea in British vessels—Committee on shipwrecks, 1836—Estimated loss of life at sea between 1818 and 1836—Recommendations of the Committee—Committee of 1843—loss of lives and ships at that period—First official return of wrecks, 1856—Loss of lives and ships, 1862 and 1873—Further recommendations—Various laws for the protection of seamen, 1846 to 1854—Agitation about “unseaworthy ships,” 1855—Further provisions for the benefit of seamen, 1867–69–70—Mr. Samuel Plimsoll, M.P.—His first resolution, 1870—Introduces a Bill, 1871—Government measure of that year—Mr. Plimsoll publishes a book, ‘Our Seamen,’ 1873—An extension of the principle applied to testing chain-cables strongly urged—Mr. Plimsoll moves an Address for a Commission of Inquiry, which was unanimously granted—Royal Commission on unseaworthy ships 1873–74—Its members—Their order of reference—And mode of thorough investigation—Their reports—Load line—Deck loads—Government survey—Its extension undesirable—Shipowners already harassed by over-legislation—Mode of inquiry into losses at sea, examined and condemned—Recommendations—Examination of masters and mates, and shipping officers approved—Power of masters—Scheme for training boys for sea—Marine Insurances—Report as a whole most valuable.

GREAT Britain having by her example shown to other nations the advantages to be derived from free navigation and unfettered commerce, and having relieved her shipowners from nearly all the burdens of which protection was the origin, directed her attention in a more special manner than had hitherto

Recent legislation relating to the loss of life and property at sea in British vessels.

been done to the safety of life and property at sea. No doubt she had been ever mindful of her seamen and, from the earliest records of her history, a just pride has been felt in those who protect her sea-girt homes; but it is only in recent years that any organised system has been adopted to reduce the disasters of a naturally hazardous profession, or that the Legislature has seriously devoted itself to the provision of measures whereby the proverbial dangers of the sea may be lessened. Very little attention, indeed, had been paid to this important subject until 1836, when a Committee of the House of Commons was appointed to inquire into shipwrecks, the result being that certain facts were, for the first time, brought prominently under public notice in a practical manner. These facts are interesting and instructive, especially when viewed by the light of subsequent experience.

Committee  
on ship-  
wrecks of  
1836.

There being then, however, no reliable statistics of the extent of the loss of life and property at sea, the Committee were obliged to depend on information from other than official sources; hence, it was only from the records of Lloyd's, supplemented by estimates of their own, that they were able to compare the casualties of 1816-18 with those of 1833-35, the three years previous to their inquiry. Nor was this comparison complete. To make it so, it would have been necessary to compare, not merely the actual amounts of loss at the two periods, but the proportion the amounts bore relatively to the amount of life and property exposed to danger. There were, however, then no means of obtaining these with accuracy, as the returns were imperfect as regards the number of vessels, their sizes, and the number of persons they

carried, an imperfection arising, in a great measure, from the fact that many vessels, which in 1816 had ceased to exist, were still retained on the registry. Though the entries and clearances of British ships engaged in trade between the United Kingdom and her colonies, and foreign countries, could at both periods be obtained with accuracy, there were no certain returns of the amount of tonnage and of the number of men engaged in the Coasting trade, as the Customs did not take any notice of vessels sailing in ballast or with cargoes of a certain description. Nor do we even now know the actual amount of the shipping and men engaged in this particular trade with anything like perfect accuracy.

Thus it was impossible to arrive at a correct comparative estimate of the increase, or otherwise, of the loss of life at sea at any given periods previous to 1835. I may, however, state that the Committee, with the best information they could obtain, arrived at the conclusion that while the loss of life for the three years previous to 1818 had averaged 763 persons per annum, it had increased to 894 per annum for the three years previous to 1835, though the tonnage of vessels belonging to the United Kingdom was actually less at the latter than it had been at the former period.<sup>1</sup>

Estimated  
loss of life  
at sea be-  
tween  
1818 and  
1836.

The amount of tonnage, however, in itself, even when correct, is an imperfect criterion; indeed, to

<sup>1</sup> In 1816, according to the official returns, the merchant navy of the United Kingdom amounted to 2,783,933 tons; and in 1835 to 2,783,761 tons, or a fraction less; but we know that, at the former period, there were a great many more vessels on the Register than there actually existed, from the fact that no means were then taken to ascertain the losses, or to erase from the records vessels which were lost.

obtain anything like accuracy we ought to have before us, not merely the number of entries and clearances,<sup>1</sup> but the actual number of persons conveyed by sea; for, without such data, we cannot hope to ascertain the comparative loss of life.

Recom-  
menda-  
tions of  
the Com-  
mittee.

The Committee of 1836 had, nevertheless, sufficient information before them to arrive at certain sound conclusions; the more important of these being that the increase of disasters at sea arose, in a great measure, from the imperfect classification of ships which had existed up to 1834 (when the improved Society of Lloyd's Register was instituted) depending, as it had, almost exclusively on the age of the vessel; from the bad forms of vessels, arising from the defective system of admeasurement for tonnage dues, and from the shallow harbours where ships lay aground and were strained. The Committee likewise attributed the losses to the incompetency of masters and officers, and to their habits of intemperance, as well as to that of the crews; to the system of marine insurance; to the want of harbours of refuge; to the imperfection of charts;<sup>2</sup> and, strange to add, to the "competition

<sup>1</sup> The entries and clearances of British vessels engaged in the Foreign trade during the years 1816-18 averaged annually 21,735 vessels, of 3,180,472 tons; while for the three years previous to 1836 they averaged 27,390 vessels, of 4,628,450 tons, and, on the accuracy of these returns at both periods, we can depend.

<sup>2</sup> "Imperfect charts" were often then made to cover, as I fear may be the case to some extent now, incompetency, drunkenness, or carelessness. Indeed, about that period, they frequently served as excuses when other objects were in view. I remember a ludicrous instance of this. When a boy at school in Ayr I used to accompany my uncle to "the meeting of owners" of the brig *Eclipse*, in which he held some eight or ten 64th-shares. Every spring, the owners met on board to discuss matters relating to her affairs, and to dispose of what I recollect best, a round of salt beef, sea-biscuits, and rum-and-water. The *Eclipse* had hitherto been invariably employed during the summer season in the



with foreign shipowners, who, from the many advantages enjoyed by them in the superior cheapness of their materials for building, equipping, and provisioning their vessels, and in the lower rate of wages paid to their crews, were enabled to realise profits on terms of freight which would not even cover the expenses of British ships."

The next Committee appointed to inquire into shipwrecks commenced their investigation in 1843, and the returns made up from the evidence before them show that in the previous three years the annual average loss of vessels was 611, of 128,678 tons, and 766 lives, out of 22,977 ships, of 2,908,737 tons belonging to the United Kingdom, and of 37,380 of such ships, of 6,730,242 tons entered and cleared

Committee of 1843—loss of lives and ships at that period.

conveyance of timber from some one or other of the ports of New Brunswick to Ayr. On one occasion, a tempting freight had been offered for her to proceed to Quebec, and the owners, in conclave assembled, had all but unanimously decided to send her to that port. While, however, the discussion was going on, her skipper, Garratt, or "old Garratty," as he was called, seemed very uneasy, and gulping down an extra tumbler of rum-and-water, he at last said,—“Weel, gentlemen, should you send the *Eclipse* to Quebec I’ll not be answerable for her safety.” “How so?” asked one of the owners. “Ah,” said Garratty, drawing his breath, “*the charts are a’ wrang in the St. Lawrence.* Yee’ll ne’er see the *Eclipse* again gin ye send her to Quebec.” The skipper carried the day.

It is much to be regretted that Shipowners, when they leave their captains to provide their own charts (instead of supplying them), do not stipulate that they are to be the best and the *latest*. I remember a ship and cargo (numerous other instances could be produced), valued at 70,000*l.*, lost near Boulogne from the master mistaking the two lights at Etaples for the South Foreland lights; and this, as appeared by the Board of Trade inquiry, because his Channel chart, which was thirty years old, had not the Etaples lights marked on it. Indeed, it so far appears that the large passenger steamer *Deutschland*, whose loss at the present moment (30th December, 1875) is now in course of investigation, was steered by an old chart.

in the foreign trade of this country, so that, while the intercourse with other countries had very materially increased, the loss of life had been only a fraction more than it was in the three years previously to 1818.

First  
official  
return of  
wrecks,  
1856.

But as we have no accurate and continuous official record, even of the wrecks happening on our own coasts, till 1856, when the Board of Trade for the first time published its return, and, as there is no official record of the wrecks of British ships in other parts of the world until 1865, little reliance, beyond an approximate comparison, can be placed on the full extent of the casualties at sea till that period. In some measure they were guess work, and, as numerous vessels were no doubt lost of which no record of any kind had been kept until about the year 1836, the probabilities are that the loss of life was greater than the estimates of it made out by the Committees of 1836 or even of 1843.

Loss of  
life and  
ships, 1862

We have, however, a return<sup>1</sup> for the three years previously to 1863 much more complete and accurate than any earlier ones, on which reliance may be placed, showing that, on an average in each of these years, 1004 ships, of 251,000 tons, belonging to the *British Empire*, and 1316 lives were lost. The average number of ships on the register in these years belonging to the *whole Empire* was 38,932, of 5,882,565 tons, and the British ships entered and cleared in the foreign trade of the United Kingdom were 56,997, of 15,094,105 tons.

<sup>1</sup> See Appendix to 'Final Report of Unseaworthy Ships Commission,' p. 600, and Summaries, p. 781, where this and other similar returns will be found.

The last return,<sup>1</sup> made for 1871-3 inclusive shows and 1873. that the average number of ships lost in each of these three years was 1095, of 319,790 tons, and of lives was 1952; the number of ships belonging to the British Empire being then 37,086, of 7,168,618 tons, and the entries and clearances of vessels engaged in the foreign trade of the United Kingdom being 73,783 vessels, of 27,275,339 tons. No doubt this return shows a sacrifice of life which every humane or right-minded person must wish to mitigate, as to desire to save life has now happily become one of the highest objects of ambition among nations who are truly civilised, but, considering the number of vessels afloat, and the enormous increase in the entries and clearances, it, at the same time, shows a very considerable comparative reduction on the losses of previous years so far as they can be ascertained or estimated, more especially when we consider that previous returns included only the vessels belonging to the United Kingdom, whereas the later ones embrace the tonnage of the whole of the British Empire then greatly increased, and that, too, by steam vessels, increasing the risk of disaster to a serious extent by the rapidity of their movements.

Percent-  
age of loss  
of life, 1833  
to 1873.

But to this important question I shall more fully refer hereafter. In the meantime I may state that, among the various other recommendations offered by the Committee of 1836, may be mentioned the formation of a Mercantile Marine Board; the compilation and consolidation of a Code of Mercantile Marine

Further  
recom-  
menda-  
tions.

<sup>1</sup> See Appendix to 'Final Report of Unseaworthy Ships Commission,' p. 682, and Summary, p. 768.

Laws; the improved classification of ships; nautical schools; courts of inquiry into shipwrecks; tribunals for the settlement of disputes; savings-banks for seamen, and asylums for them in old age or when unfit for duty; and, above all, "discouragement of drinking on board," while attention was called "to the vast superiority in officers, crews, and equipments, and to the consequent superior success and growth of American shipping."

To remedy many of these evils various Acts of Parliament were passed, to most of which I have already referred, and, presently, I shall refer at length to the great changes for the better made since then in the classification of our ships by Lloyd's Register and other private associations; but some years elapsed before the more important of these recommendations were carried into effect. In the meantime, the new organisation in connection with the classification of ships, which had been established in 1834, stirred up, no doubt, by the report of the Committee, was laying the foundation for that career of success which has since attended its efforts. Other similar associations followed; one in Liverpool, which was afterwards amalgamated with Lloyd's Register, and the *Veritas*, a foreign association, still carrying on its useful work in this country, though to a limited extent, but largely in Canada, as well as on the Continent and in the United States of America.

The Committee of 1843, confirming the recommendations of its predecessor in 1836, added to them the survey of passenger ships; amendments in the law of pilotage, the establishment of signals by sound at the principal lighthouses, and of rocket



and mortar apparatuses for the saving of life on different parts of the coast; the supply of life-buoys and belts in case of shipwreck; the carrying of life-boats in all passenger vessels; a revision of the laws and administration for the protection from plunder of wrecked property; international regulations for vessels meeting at sea, and a code of laws for the guidance and protection of seamen. All of these recommendations, and many others for the protection of life and property at sea, have since been carried into effect.

In 1846, and again in 1848, further Acts were passed having the same laudable object in view, and these, with all the other Acts, including the important Act of 1850, to which I have already referred at length,<sup>1</sup> were carefully revised and improved by the great Act of 1854, and by subsequent measures. Nor have the health and interests of seamen, as well as the preservation of their lives from shipwreck, been overlooked in this mass of legislation. In 1835, a register office for seamen and apprentices was established, but the system, not answering the objects in view, was abolished in 1853. By the Acts of 1844<sup>2</sup> and 1845<sup>3</sup> seamen were enabled to recover their wages summarily, and they were, for the first time, protected from imposition at the hands of crimps. By these laws, all merchant ships were required to carry a sufficient supply of medicine, as also of lime-juice for the use of the crew; and, by the Act of 1854,

Various laws for the protection of seamen, 1846 to 1854.

<sup>1</sup> See *ante*, page 299.

<sup>2</sup> General Merchant Seaman's Act, 7 & 8 Vict. cap. 112.

<sup>3</sup> 8 & 9 Vict. cap. 116.

the proceedings for the recovery of wages were made still more summary, so that, under our present maritime laws, seamen have special remedies for the recovery of their wages, together with a lien on the ship not granted to any other class of the community. Beyond the advantages of savings-banks and money-order offices, specially for their use, a system has been established, through the medium of the shipping offices and the consulates abroad, under which, seamen, when paid off, can remit their wages without expense to their relatives at any port in the United Kingdom.<sup>1</sup>

Agitation  
about  
"unseaworthy  
ships,"  
1855.

In 1855, a question arose very similar to that which has recently arisen regarding "unseaworthy ships," as to whether seamen could be compelled to go to sea in them. The opinion of the law-officers of the Crown taken by the Board of Trade was given in favour of the seaman's right to refuse to sail in such vessels, and this opinion, having been sent to the magistrates at the seaports, has ever since been acted on, though it has been frequently abused by unprincipled seamen, who have alleged unseaworthiness as an excuse for being relieved from their engagements, more especially in cases where they have received a payment of wages in advance, or where they have thought they could improve their position. Nor did the efforts of the Board of Trade, the permanent officers of which have been frequently charged with neglecting the interests of seamen, here end. In 1864, that Board, aware of the difficulty seamen accused of desertion might have in proving unseaworthiness, recommended the Home Office to

Further  
provisions  
for the  
benefit of  
seamen,

<sup>1</sup> See *ante*, page 350, note.

inform the magistrates that, in all such cases, their surveyors would be at the disposal of the magisterial bench for the purposes of survey, so that seamen might have, *at the expense of the community*, what no other class is allowed, easy and ready means of inquiring into their complaints by officers remunerated by the Crown, and, consequently, an economical and prompt dispensation of justice.

In 1867, another Act was passed, specially for 1867, the benefit of seamen, known as the Health Act,<sup>1</sup> which made further provision for the inspection and safe custody of lime-juice or other anti-scorbutics, and for serving these out in proper quantities and with regularity to the crews of merchant ships. Provision was also made in this Bill, compelling shipowners to bear all expenses connected with a seaman's illness, when not brought about by his own fault or misconduct, and for securing him increased and improved accommodation on board ship.

Nor did the good intention of the Government 1869, and its regard for the interests of seamen end even 1870. here. In the Merchant Shipping Code Consolidation Bill,<sup>2</sup> first introduced on the 9th August, 1869, by Mr. Lefevre, on behalf of Government, there is a provision (Clause 278) enabling seamen, charged with desertion or other crimes, to demand and obtain an official survey of the ship from which they have thought it expedient to quit without leave!—a provision so very liberal in their favour as to resemble, on the part of the Government, almost encouragement

<sup>1</sup> 30 & 31 Vict. cap. 124.

<sup>2</sup> This Bill consolidated all previous Acts; but from its dimensions, or some other cause, it has not yet passed, though frequently presented to the House of Commons for consideration.

of the offence of desertion. In this Bill we have also a clause (334) which, for the first time in our legislation, requires every shipmaster to make an official record of the draught of water of the vessel under his charge when leaving port. And the Bill, when again introduced in 1870, repeated, with modifications still further in favour of seamen charged with desertion, their power to demand "impartial survey;" while it enables the officers of the Board of Trade to take and record the draught of water of any sea-going ship, and makes it a misdemeanour on the part of any shipowner who sends his ship to sea in an unseaworthy state, for which he may be *criminally* punished.

Mr.  
Samuel  
Plimsoll,  
M.P.

His first  
resolution,  
1870.

It was in the Session of 1870 that Mr. Plimsoll<sup>1</sup> first submitted his views to Parliament respecting the loss of life and property at sea, by moving a resolution calling in general terms for legislation on this subject, as if no legislation had, up to that period, been even attempted, still more carried out. I cannot but commend the laudable objects he evidently had in view, but, on that occasion, they were, so far as I can judge from the Reports of 'Hansard,' somewhat vaguely expressed. Nor did he even then mention (as if ignoring or unaware of the fact) that, in that very Session, Government had introduced the stringent Bill to which I have just referred respecting

<sup>1</sup> Mr. Samuel Plimsoll was first returned to Parliament in December, 1868, as one of the members for the town of Derby, which he had unsuccessfully contested three years previously. In the 'Parliamentary Companion' he is described as a "coal-merchant," and author of various pamphlets on the coal trade, and on the 'Rights of Workmen,' and of a 'Plan to have Fatherless and Motherless Children cared for instead of being consigned to the Workhouse.'



unseaworthy ships. His resolution, requiring a *compulsory* load-line and the survey of all ships, was withdrawn.

The Government, however, spared no exertion to perfect the Shipping Code, which had twice been submitted to the consideration of Parliament; and having, during the recess, forwarded copies of it for approval and amendment to various Shipping and Seamen's Associations throughout the kingdom, they again introduced it on the opening of the Session of 1871,<sup>1</sup> accompanied by a memorandum,<sup>2</sup> calling attention to the alterations which had been made in the existing laws. The Bill, as re-introduced in 1871, besides providing for the transfer of the supervision of emigrant ships to the Board of Trade, which was carried out in the following year, contained clauses for the compulsory marking the draught of water on the stem and stern of every ship, for recording the draught, for making it a crime to send unseaworthy vessels to sea, and for enabling seamen, charged with desertion, to obtain, with even greater facility than they had hitherto done, a survey of the ships in which they had engaged to serve. Indeed, it went still further, and, for the first time, gave the Board of Trade alone the power of preventing any ship from proceeding to sea if, in the opinion of its officers, there were defects in her hull liable to render her unseaworthy: a further provision was very properly added to prevent an owner changing the name of his ship without the consent of the Board of Trade.

<sup>1</sup> This Bill contained 696 clauses, and replaced 90 Acts or parts of Acts.

<sup>2</sup> See Parl. Paper, C. 287, 1871.

Introduces  
a Bill,  
1871.

But in that year, 1871, Mr. Plimsoll, not satisfied with the course of legislation, introduced a Bill having the same objects in view as his resolution of the previous Session, which, however, was also withdrawn, Government agreeing to introduce a separate Bill, as they had been unable to pass their Merchant Shipping Code Bill, containing the clauses of the larger measure relating to draught of water and surveys. Accordingly, before the close of the Session a short Bill was introduced and passed<sup>1</sup> with these provisions, but with very little discussion, on account of the lateness of the Session. In this Bill the clause giving seamen charged with desertion a right to a survey, was justly modified by confining the right to cases where the complaint of unseaworthiness is made by one-fourth of the crew; or if they exceed twenty by not less than five, and to cases where a complaint of unseaworthiness had been made by them before quitting the ship. The power of ordering a survey was also given to naval courts abroad.

Government  
measure of  
that year.

Although these amendments had, as I have shown, been for some years contemplated by Government, and had been, in fact, submitted for the consideration of Parliament before Mr. Plimsoll expressed any opinion on the subject, they did not satisfy his demands; and in order that his views might become more extensively known, he published in January, 1873, a curious book.<sup>2</sup> It is of that sensational class

Mr. Plimsoll publishes a book, 'Our Seamen,' 1873.

<sup>1</sup> Merchant Shipping Act, 34 & 35 Vict. cap. 110. "Unseaworthy Ships."

<sup>2</sup> It was entitled 'Our Seamen: an Appeal by Samuel Plimsoll, M.P.,' and was "dedicated to the Lady Gracious and Kind who seeing a labourer working in the rain sent him her rug to wrap about his shoulders." Virtue and Co., Ivy Lane, London.

which at present, either in the shape of novels or other works of a more pretentious character, evidently commands a large circulation among the light-reading public. But, besides its sensational character, it contains a great deal of information new to the ordinary reader, who, if he does not understand its technicalities, which Mr. Plimsoll himself does not seem to have very well understood, will be struck by its illustrations of decayed timbers, worm-eaten planks, and corroded bolts. It begins with a facsimile of a policy of insurance with the names and amount of risk attached, and the underwriters' "slip" on which the policy was based, with the signatures crossed out as they were subscribed to the policy. His object in giving the numerous names in detail, and the amount of the liability of each, was, as he states, "in order to show how the responsibility is so divided and spread as to leave no one individual a risk large enough to be worth fighting to escape, even if there were adequate grounds for disputing the subsequent claim," and, from these premises, he arrives at the conclusion that the interest of each underwriter is so small, that where a claim is made, it is not sufficient "to induce any one to fight a lawsuit in order to escape it," even when there is "more than a suspicion of its injustice."

Unfortunately his statement, on this point, is at variance with fact; for, though the risk of each individual may be small, their interest, as a body, in resisting unjust claims, and resisting them frequently in the most strenuous manner, is too great to allow such claims to be settled unquestioned. Mr. Plimsoll might not, however, have been aware that the

Underwriters of Lloyd's are thoroughly organised for the purpose of grappling with such matters, having their agents at all the principal seaports of the world, with every facility for readily obtaining information respecting the cause of losses, and the nature and character of the claims made upon them; nor of the important fact that they not merely resist claims, as may be frequently seen in our courts of law, but are occasionally prosecutors in the case of fraudulent losses. So that it is altogether a mistake to describe the Underwriters of Lloyd's, much less of the marine insurance companies, as a weak body of men, whom a shipowner can "bully" into an unjust settlement.<sup>1</sup> The photographs he supplied were, however, so curious in themselves, and so novel to the public, generally, and especially to many members of the House of Commons, and his statements, though sometimes hap-hazard, were given with such evidently honest intentions, that his book attracted unusual notice.

But, however well-disposed the House of Commons may have been to listen to him, and to the recommendations in his book, the Bill he introduced for its consideration could not possibly be entertained with any regard to the great maritime interests of this country, nor could they be adopted without full inquiry; indeed, they were little short of a transfer of the construction and management of the whole of the shipping of Great Britain from the owners to some department of the Government, which was to survey every ship built, and every ship sent to sea.

<sup>1</sup> See 'Our Seamen,' pp. 11, 12.



From his own showing, no such extraordinary and sweeping measure was necessary, for he admits, in a curious and very incidental manner, that only a very small proportion of the shipowners of this country require to be thus controlled; indeed he states,<sup>1</sup> "I have heard one shipowner say that, if a small number of well-known shipowners were put aboard one of their own vessels when she was ready for sea, we should, in the event of bad weather, see that with them had disappeared from our annals nine-tenths of the losses we all deplore!"

But Mr. Plimsoll, in his general statements, only repeated, though in a more sensational and striking manner, arguments which have for years been used in the House of Commons. There has long been a constant cry from a certain portion of the public for Government interference and control; and in Parliament there are always to be found well-meaning representatives of the people, who think that every evil in this wicked world can be remedied by legislative enactments, or Crown supervision. I may mention one instance out of many, viz.: the Act for testing chain cables and anchors, to which I have already referred,<sup>2</sup> which was forced upon the Board of Trade by the House of Commons. Returns, I am aware, can be produced to show that since this Testing Act came into operation, nine or ten years ago, there have been fewer disasters than before, as the result of inferior ground tackle. But figures can be arranged to prove almost anything; and I shall not stop to examine those which have been pro-

An extension of the principle applied to testing of chain cables strongly urged.

<sup>1</sup> 'Our Seamen,' p. 14.

<sup>2</sup> See *ante*, p. 318, *note*.

duced to prove that the chain and anchor manufacturers of this country required to be placed under the immediate control of the Board of Trade. It will be a dark day for the mechanics of Great Britain when this system prevails, and we may then abandon all hope of ever becoming, what we have long aimed to be, the workshop of the world. But what I cannot too strongly condemn is, the principle of appointing Government officials—too frequently underpaid—to superintend or inspect the work of the manufacturer and to regulate the standard of merit. If a manufacturer can produce an article which, by some means or other, is able to pass inspection, it is a matter, now, of far less consequence than formerly to make it of the best description, as, in the case of accident, he screens himself behind the official certificate of its merit. Besides, the test Government, originally, adopted too often destroyed in a great measure the elasticity of chain cables<sup>1</sup>—a quality of the utmost importance to a ship riding at anchor in a heavy sea-way. I quite admit that many vessels and too many lives have been lost through inferior anchors and cables; but a still larger number of vessels have been sacrificed by defective construction, decayed

<sup>1</sup> It may not now be the case, but I have known a chain cable, made of the best iron, and it would only be iron of the best description which could stand such a strain, stretched from 150 fathoms, its length when manufactured, to 155 fathoms after it had passed through the testing-machine. Such an enormous strain must injure the fibre of the iron, and, thereby, its elasticity, even though most of this stretch would probably be due to the links fitting closer into each other, and the actual stretch of the iron itself only a small portion of the whole. But in either case the elasticity of the fibre would most likely be injured, perhaps destroyed.

timbers, inferior spars, ropes, and sails, or insufficient stores; and, if the principle of Government interference is correct in the one case, it ought to be extended to the others.

But this system of Government supervision would not end here. An inspection of every chain and anchor manufactory falls far short of the demands of thousands of well-meaning people, who wish to see some potent Board of Trade testing-machines permanently established in every dockyard in the kingdom, as if our shipbuilders knew nothing whatever about the business, or had all arrived at the conclusion that honesty was no longer the best policy, and that the only sure road to riches was to cheat their customers. Nor would even that extension of Government control satisfy them. An estimable friend of mine, a Vice-Admiral in H.M.'s service and a man of learning and of great practical knowledge, asks me in a note I received from him not long since—

“Should there not be some more stringent provisions with respect to the inspection of sailing vessels? It is an old proverb, ‘Who ever saw a dead donkey?’ But who ever saw an old sailing-ship broken up? I am inclined to think that it is more to the interest of small owners to let an old tub go on shore than to bring her safe into port. This works two evils:—1, the danger to human life; 2, the greater rate of insurance on honest owners to make up an average for the dishonest. Should there not be a Board of Trade inspection as to seaworthiness: 1, of every ship once a year; 2, of every ship absent from Great Britain or Ireland over a year continuously, on her return; 3, of every ship where it appears, on her arrival in port, that she had been on shore or had suffered from heavy weather?”

Now there is no doubt that the evils of which my friend complains do exist, and the remedy he pro-

poses has been advocated by many persons besides himself. But would Government inspection, even if practicable, remove or materially tend to mitigate the evil? A very large proportion of the vessels owned in the United Kingdom are now classed either at Lloyd's or elsewhere, and are periodically inspected; and to the possibility of extending this system, a much more feasible one than any extension of the principle of Government supervision, I shall hereafter refer. Unless a vessel is classed, an underwriter, as a rule, will not take a risk on her, and, unless she is fully insured, it is not the interest of the owner to lose her. In the case of clubs or mutual associations, it would be impossible to have a better watch kept on the vessels admitted, as each member and each person connected with these associations adopts, for his own interest, if for no higher motive, every possible precaution, as, in the event of loss, he becomes a sufferer.

However great the evil, and however lamentable the losses annually occurring on our shores, any very material extension of the legislation now in force, can do little to remedy them. The remedy is in the hands of those persons who are most deeply interested, in that they are certain to become the heaviest sufferers from every loss. It is true that no ship ought to be allowed to proceed to sea which is unseaworthy, but it is the business of all insurance associations to see that the vessels they insure are seaworthy; and no punishment Government could inflict for neglect, would be heavier than that which the owner of an uninsured ship sustains when she is lost, or than that which falls on members of clubs, who admit worthless



vessels to their mutual-insurance associations. My experience (and it is not a short one now) teaches me that nearly all legislation in this direction, is unsound in principle; and, as a rule, pernicious in practice. I think, for instance, that we have already erred in the attempt before noticed to measure the standard of merit in the case of anchors and chains, although we may have improved in the mode of testing them.

However, the House of Commons, ever ready to listen to the appeals of humanity, and with the most laudable desire to do what it could to save life and to mitigate the disasters incidental to seafaring pursuits, was fairly disposed to legislate even further in this direction, should it really appear that fresh legislation was necessary; hence, accepting in Mr. Plimsoll an earnest, if not a wise counsellor, of measures for the grandest of all objects—the saving of human life—the House, stimulated by his recent work, unanimously approved of his address to Her Majesty, who was graciously pleased not merely to grant the Commission he had prayed for, but to place upon it “her most dear son and counsellor Alfred Ernest Albert, Duke of Edinburgh,” who, himself a sailor, was fully competent to understand the nature of the inquiry, and had a fellow-feeling for the sailors of all classes, on whose behalf the appeal was made.

Mr. Plimsoll moves an Address for a Commission of Inquiry, which was unanimously granted.

Royal Commission on unseaworthy ships, 1873-4.

No Commission in our time has consisted of more able and impartial members. Besides His Royal Highness, it had as chairman the Duke of Somerset, a nobleman of shrewd sense and of very sound judgment, who had been First Lord of the Admiralty;

Its members.

Mr. Liddell (now Lord Eslington), who represented a large maritime constituency, and had for years directed his attention with unwearied zeal to all sea-faring questions; Mr. Milner Gibson, who had filled the office of President of the Board of Trade; Sir James Hope, an Admiral of great experience; Mr. Rothery, the Registrar of the Admiralty Court; Mr. Cohen, a well-known barrister-at-law; Mr. Denny, an eminent shipbuilder; Mr. George Duncan, an experienced Shipowner, and a member of the Committee of Lloyd's Register; Mr. Edgell, of the Trinity House; and Mr. C. W. Merrifield, F.R.S. and late Principal of the Royal School of Naval Architecture.

Their  
order of  
reference

By such a Commission the most searching inquiry was to be instituted "with regard to the alleged unseaworthiness of British registered ships, whether arising from overloading, deck-loading, defective construction, from equipment, machinery, age, or improper stowage." The Commission was also instructed "to inquire into the present system of marine insurance; the state of the law as to the liability of shipowners for injury to those whom they employ, and also the alleged practice of under-manning ships; they were likewise to suggest any amendments of the law which might remedy or lessen such evils as may be found to have arisen from the matters aforesaid."

A careful analysis of Mr. Plimsoll's statements showed that he attributed the causes of shipwreck to unseaworthiness, owing to want of repair; overloading, which includes the carriage of cargo on deck; under-manning; bad stowage; inadequate engine

power ; over-insurance ; defective construction, and undue length ; and, that a full half of the losses arose from two of these causes, first, that “ a great number of ships are regularly sent to sea in such a rotten and otherwise ill-provided state that they can only reach their destination through fine weather ;” and, secondly, that “ a large number are so overloaded that it is nearly impossible for them also to reach their destination if the voyage is at all rough.”

As I have already endeavoured to show, the “ Merchant Shipping Consolidated Act ” of 1854, with its 548 clauses, was passed expressly for the purpose of remedying by law, as far as practicable, existing evils, and the amended Acts of 1855, 1862, 1871, and 1873 had the same object in view ; so that there was in force, at the time when the Commission commenced its inquiry, a mass of legislation, which, in itself, ought to have been amply sufficient to prevent and punish the offences alleged to be committed. Indeed, conscientious Shipowners have been heard to say that they were appalled at the numerous instances in which they had found themselves law breakers, from the simple impossibility of bearing in mind, owing to the number of Acts in force, their legal duties. Yet, if Mr. Plimsoll’s recommendations had been carried into effect, the manifold legislation, then in force, would have been very much increased.

Happily, however, the Commission saw, after and made thoroughly examining the whole subject, that it was of thorough investigation, not by increase of legislation, that such evils could be remedied, but by a more effectual application of

the law as it then stood. In their reports<sup>1</sup> they express an opinion, that much misapprehension appears to exist about what is meant by unseaworthiness, so, before offering any recommendation with the view of preserving human life at sea, they prefaced their observations with a few practical and sensible remarks on what constitutes unseaworthiness.

The safety of a ship at sea, they remark, with great force, cannot be secured by any one precaution or set of precautions, but requires the unceasing application of skill, care, and vigilance, from her first design to her unloading at the port of destination. To be seaworthy, she must be well designed, well constructed, well equipped, well stowed, and, above all, well manned and well navigated; otherwise, "all precautions as to her construction and her stowage will be unavailing." While public opinion had been abundantly directed to these precautions, they considered that other sources of danger had been altogether unnoticed, and they showed, from a summary of official inquiries, that from the year 1856 to 1872, inclusive, while only 60 ships were known to have been lost from defects in the vessels or their stowage, no less than 711 were lost from neglect and bad navigation.

As these returns<sup>2</sup> too clearly showed, that by far the largest proportion of losses and other casualties were due to preventible causes, other than faulty construction, insufficient repair, or overloading, the Commissioners directed their attention to a rigid

<sup>1</sup> There were two Reports: "Preliminary" and "Final."

<sup>2</sup> See Parl. Paper, 349. Session 1873.



examination of these causes and to the most effectual means of finding a remedy for the evil. With regard to the vexed question of a fixed load-line, which Mr. Plimsoll had recommended as a means of lessening, if not of removing altogether, the losses occasioned by overloading, they were unable to recommend any enactment for establishing a fixed line, founded on the proportion of freeboard to the depth of the hold of the vessel, remarking that the information they had obtained led "to the conclusion that the settlement of a load-line should be mainly guided by the consideration of the reserved buoyancy, that is to say, of the proportion which the capacity of the watertight and solidly constructed part of the ship which is above water bears to the capacity of the part immersed."

Their reports.

Analysing various schemes prepared for their consideration, they remarked that the rough rule of three inches of freeboard to every foot of hold, hitherto considered as the measure of safety, while practically convenient, was not adapted for regulating the loading of all vessels, and, consequently, could not be recommended as a law to be enforced. The model of the ship, the character of her cargo, the method in which it is stowed, the nature and length of the proposed voyage, and the season of the year when engaged, were all matters requiring consideration, and which it would be quite impossible to embrace by any fixed rule applicable to every ship, whatever might be her form or the nature of her employment. Indeed, they remark with great force, "These circumstances must continually vary, and, under a charter, this mode of marking would have the dangerous

Load-line.

tendency of inducing the charterer to insist on the vessels being laden up to the line of deepest immersion, and thus imperilling the safety of the ship; while the suggestion, from various instances, that there should be an elasticity in the law to be left to the discretion of the surveyor only shows the inexpediency of legislating either to secure freeboard in proportion to the depth of hold, or to provide some fixed percentage of spare buoyancy in every description of vessel."

Under all these circumstances, the Commission considered it desirable to leave the discretion as to the proper loading of his ship to the Shipowner himself, holding him responsible, as the law has ever done, for sending his ship to sea in an unseaworthy condition, instead of lessening his responsibility by transferring a duty, which properly rests on himself, to any official surveyor. But to render the responsibility of the Shipowner more complete, they recommended that a vertical scale of feet should be marked on each side of the vessel, and that, immediately before the time of her leaving or starting on her voyage, this measure should be entered in her log-book and should, wherever practicable, be left with the officer of Customs or with the British Consul, by whom the draught of water should also be recorded.

Deck-  
loads.

Having offered a few suggestions with regard to deck loads and other matters of minor importance, the Commissioners next investigated with great care the practicability of instituting a survey of all British merchant ships. In their opinion, the policy of having a Government survey for the purpose of securing

the seaworthiness of ships was more than questionable. Any such measure, while tending to remove responsibility from those on whom it ought to rest, would render Government nominally responsible for the form, the materials, and the whole construction of our merchant ships, and, consequently, could not be seriously entertained.

As there is now an official survey of emigrant and passenger ships, a few witnesses proposed that a similar survey should be extended to all merchant vessels. Others went so far as to recommend that the Board of Trade, already overburdened with work, should also superintend the construction, the periodical inspection, the repair, and the loading of the vessels. But the Commissioners very properly repudiated all such recommendations.

There are great complaints, the Commissioners remark, against the interference of Government, whose surveyors are now not unfrequently accused of forcing on Shipowners and marine engineers special views of their own which are not always in accordance with the best judgment of the two professions, and that to extend the power of such men would produce "mischievous consequences to the future progress of shipbuilding, and would be actually calamitous." "Ships," they add, "would be built and repaired so as to pass the examination of the official surveyor, and any additional outlay beyond what was indispensable to secure a certificate would be rejected as useless. Under the present enactments, Shipowners justly complain that their business is seriously inconvenienced, and that foreign ships

Government  
survey.

are already gaining the trade which the British Shipowners are being compelled to relinquish.”<sup>1</sup>

Its extension  
undesirable.

By the Merchant Shipping Act of 1873 (36 & 37 Vict. cap. 85), the Board of Trade are empowered, at their discretion, to detain any British vessel “which they have reason to believe is by the defective condition of her hull, equipment, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life.” By this Act, power is also

<sup>1</sup> I believe that there is much justice in these complaints. Indeed, it cannot be otherwise if official surveyors are honest and vigilant. For instance, some new danger or evil arises, and some new remedy is invented. Consequently, the surveyor says:—“I must provide for this,” and he makes the requirement; the trade call for uniformity, and the specific thing required becomes a general *stereotyped* Board of Trade rule, checking further improvement, and making shipbuilders build down to it.

On this point, my old friend, Mr. Alfred Holt, of Liverpool—and there is no one more competent to offer an opinion on such a subject—in a letter I had from him the other day, remarks with great force:—“The real objection to Government survey is this: no Government can insist on more than average standard of efficiency; but most of those ships of which the nation is proud are built to a *much higher standard*. Now, suppose two ships competing for freight, one of the high class I describe, and one of low type just sufficient to pass survey. Both have got certificates; these have blunted the discrimination of underwriters, so that premiums are alike on both, and, naturally enough, shippers send their goods by the one that asks least freight. Is it in human nature that the conscience of the good Shipowner will remain tender? He sees a vessel of much less strength, and not nigh so efficiently manned, go to sea, perhaps a foot deeper than his, earning the same rate of freight, and carrying a Government certificate of competency. Is he likely to keep up to his old standard? and won't he be *compulsorily degraded* to the other's level? All these surveys only help the bad, while they injure the good. I may say of ground tackle that, although since the Act passed, it has become difficult to get any very bad, it is equally difficult to get any really good. I believe, in my own case, that the cables I have got since the Act came into operation are worse than those I got before.”



given to the Board of Trade to detain any ship for the purpose of survey, to impose conditions as to her repair, and to enforce alterations in loading. The Commissioners do not consider it necessary or desirable to extend these already stringent and arbitrary powers, in order to prevent unseaworthy vessels from leaving any port in the United Kingdom. On the contrary, they suggest certain modifications of those powers, so as to *make their action more prompt than it is at present*, in which all differences must be referred to the Board of Trade in the case of detention, the owner having power of appeal in England to any court having Admiralty jurisdiction, and in Scotland to the Sheriffs' Court; they further recommend that the master or owner of the vessel thus detained may be permitted to appeal to the shipping master or collector of customs, who should be vested with authority, when necessary, to appoint two or more competent shipmasters, to constitute a court whose decision should be final.<sup>1</sup> They at the same time express the hope, that, when these modifications are adopted, "the detention of vessels notoriously overladen or otherwise unseaworthy will gradually compel negligent Shipowners to be more attentive or to abandon the trade; worthless ships will be broken up, and the eventual weeding out of such ships will not only add to the safety of a seafaring

<sup>1</sup> The recommendation might have been advantageously extended to any other properly constituted tribunal, as it is most desirable that all such disputes should be promptly settled, and especially in the port where they arise, or its immediate locality. An appeal in all cases to the central Board in London might inflict unnecessary hardship upon the shipowner, and lead to other mischievous consequences.

life, but will be a benefit to the careful Shipowner, who will find his business increase, while the premium to be paid for insurance will be reduced."

Ship-owners already harassed by over-legislation.

Parliament having, for many years, been engaged in attempting to regulate minute details about shipping, it is not surprising that Shipowners should have complained of being harassed in their business by well-intended but ill-contrived legislation, and that they should, when further legislation of this sort was injudiciously proposed, have resisted it to the utmost of their power. Indeed, the Board of Trade itself had, for some time, seen the absurdity as well as the danger of a public department, imperfectly acquainted with the science of shipbuilding and with the interests of the commercial marine, attempting to dictate to shipbuilders and owners of vast experience the best mode of conducting their business; and, in the evidence before the Commission, Mr. Gray, Assistant-Secretary Marine Department, admitted that many enactments designed to secure safety of life at sea had been mischievous, and ought to be modified or repealed.

For instance, the obligation by the Merchant Shipping Act of 1844 to carry a certain number of boats in proportion to a ship's tonnage, was found to be impracticable, and, consequently, the Board of Trade, by the amended Act of 1873, took upon itself a discretionary power in this matter. But discretionary powers in this case, as in many other instances, did not work well in practice; surveyors differed in their views as to the number of boats necessary, and the number of boats sanctioned at one port was frequently disallowed at another. Similar objections

arose in the case of lights, and, as no coloured lamps could be found on trial until very recently, equal to the requirements of the Statute, Shipowners were subjected to similar capricious decisions of surveyors.

It would weary my readers were I to enter into all these details, such as bulkheads, sea-cocks, hatchways, stoke-holes, compasses, safety valves, and innumerable other matters which Government has attempted to regulate by Act of Parliament, as I have, already, in more than one instance, alluded to these matters during the course of this work. But I must not omit directing attention to the large amount of evidence received regarding the system of inquiring into losses and casualties at sea, and to the powers given to the Board of Trade, by the Act of 1854, to institute such inquiries. It would appear from this evidence that the officers of the Board of Trade and the solicitors who act for it, as well as the Shipowners, have all a serious objection to the present mode of conducting such inquiries, and that the tribunal constituted by the Act does not command general confidence, while the mode of procedure is dilatory and expensive (perhaps, necessarily so, where much evidence has to be collected), and the power of the court is so ill-defined that, in too many cases, it cannot be enforced.

The inquiry frequently assumes the shape of a criminal proceeding against the captain, rather than of a careful investigation into the cause of disaster, the chief point at issue being whether the captain is to be acquitted, or punished by having his certificate

Mode of  
inquiry  
into losses  
at sea

cancelled or suspended; and, inasmuch as he is on his trial, he may if he pleases volunteer a statement, but cannot be examined. Nor has the court any power over the Shipowner, who, however culpable, is altogether beyond its jurisdiction.

examined  
and con-  
demned.

The Commissioners recommended that these inquiries, made purely in the public interest with a view to the preservation of human life, should be conducted in such a manner as would best disclose the nature and cause of the disaster, whether, for instance, this was owing to the faulty construction of the vessel, to bad stowage, to circumstances connected with the navigation, to the incompetency of officers, or to the neglect and misconduct of the master or crew.

Recom-  
menda-  
tions.

With this object in view, they recommended that the preliminary inquiry now made by the receiver of wrecks should be limited in the first place to such a narrative statement as would enable the Board of Trade, with the aid of their legal advisers, to decide on the propriety of an official inquiry, and that, if such were found necessary, there should be a complete severance between that inquiry and any proceedings of a penal character, power being reserved to the Board of Trade to prosecute the Shipowner or to proceed criminally against the master, mate, or any member of the crew whose neglect of duty may have occasioned the disaster. They further suggest that the 11th Section of the Merchant Shipping Act, 1871, "should be amended and be made expressly to extend to the master of the vessel; for it is very important to avoid any doubt that the master who, without justifiable excuse, leaves port with his vessel



in an unseaworthy condition, renders himself amenable to the criminal law.”<sup>1</sup>

The Commissioners very properly attached great importance to these inquiries, as affording the best means of ascertaining on whom the culpability rests ; hence, they, incidentally, remark that, in comparing the accidents occurring at sea with those taking place on land, especially on railways, they were struck by the fact that, whereas, in the latter case, it is usual to prosecute those servants whose negligence has occasioned loss of life, there was scarcely a single instance of the prosecution of a master or mate, or of a man on the look-out or at the helm of a vessel, although cases have, undoubtedly, been numerous in which vessels have been lost either by the negligence of the master or of the crew.

They further recommend that the present system under which the certificate of a master or other officer is suspended, very frequently only for an error of judgment, should be entirely discontinued, and that neither the Court of Inquiry nor the Board of Trade should have the power of dealing with such certificates ; but that, in cases to be provided for by express enactment, the tribunal alone before which the officer is tried should have the power of cancelling either all his certificates, or, at its discretion, his higher certificates, leaving him in these cases the chance of finding employment in a lower grade.<sup>2</sup>

<sup>1</sup> Although the present system, which originated with Lloyd's, stands much in need of reform, I think the recommendations of the Commissioners on this subject require still further consideration before they are adopted.

<sup>2</sup> The latter portion of this recommendation also requires further consideration. While a second trial would be a double expense, it

Examina-  
tion of  
masters  
and mates,  
shipping  
offices, &c.,  
&c., ap-  
proved.

The examination of masters and mates, the regulation of space for crews, the insertion of the scale of food in the articles, the means of remitting wages, the allotment note, the establishment of seamen's savings-banks, and various other important measures, all indicating as they do the earnest wish of the Legislature to secure the welfare of the sailor, received the most careful consideration by the Commissioners, with a view to their amendment where necessary. But, though some Shipowners were of opinion that the system did not work well, and that they should be allowed to engage seamen, as other employers engage their workmen, without the presence of a shipping master, the Commissioners were of opinion that the shipping offices had been of great value and ought to be maintained, tersely remarking that if the captain of a merchant ship would take trouble to seek out eligible men he could arrange to meet them at the shipping offices, indeed, could engage them on board or elsewhere under a special application.

The anxiety of Parliament to protect the seaman and, more especially, to treat him as incompetent to take care of himself, and as requiring the special interference of the Legislature, had exercised a prejudicial influence on his character, tending to destroy, as it did, the confidence which should ever exist between the master and his crew, and had frequently promoted insubordination at a time when good

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would not facilitate getting evidence on the first inquest because the captain would still be able to say,—“I shall not give evidence which may be used against me.”

discipline was most essential to the safety of the vessel and all on board ; moreover, the rule requiring misconduct on the part of a seaman to be entered in the log and immediately read to the offender was a contrivance so ill-calculated to promote good behaviour that masters frequently left offences unnoticed rather than resort to such a proceeding ; the Commissioners recommended, therefore, that this plan should be materially modified (they do not state how), and that, to secure fair treatment for the seaman, without destroying discipline or weakening the authority of the master, should be the object of the Legislature.

Indeed, when it is considered that the safety of a merchant ship, as well as of the lives of the passengers and crew, are entrusted to the skill and judgment of the master, it is essential that his authority should be upheld, as any interference tending to impair his authority and to lower his position adds seriously to the dangers of navigation.

As a ship at sea is in herself a little kingdom, the power of the master should be paramount and all but unquestioned ; hence, while held strictly amenable to the law for any acts of tyranny and cruelty, the Legislature was bound to take care not to deprive him of the control necessary for the security of his vessel. Now, as the law as it at present stands, gives him very little power of punishing a sailor for anything but mutinous conduct, and as the sailor may be guilty with virtual impunity of many gross derelictions of duty, such as drunkenness, sleeping on the look-out, disobedience, and insubordination, the Commissioners recommend that some remedies, less cum-

Power of  
masters.

brous than those now existing, should be applied and more direct penalties inflicted.

Scheme  
for train-  
ing boys  
for the  
sea.

As most of my readers are aware, a system of compulsory apprenticeship was established in the year 1844, but was abolished by the repeal of the Navigation Laws in 1849, and, though some Shipowners, subsequently, desired to restore this system, the Government could not, with any regard to principle, meet their views. The object of training boys for the sea service having been to secure a supply of seamen for the Royal Navy as well as for the Merchant Service, it would have been unjust to compel Shipowners to train boys for the public service after they had been deprived of the special privileges, supposed to be advantageous, conferred on them by the Navigation Laws. But, as an impression prevailed that our seamen had deteriorated, both in number and quality, since the Compulsory Apprenticeship Act was abolished—though I think this is to be attributed to other and different causes—the Commissioners suggested a scheme to meet the existing evil. They proposed that every vessel above 100 tons register, whether propelled by sail or steam, should be required to carry a certain number of apprentices in proportion to her tonnage, or to pay a small contribution annually (such as 6*d.* per ton), to be applied towards the maintenance of training ships in all the principal ports in the kingdom. They recommended that the apprentices should be indentured at or about the age of fourteen to the master of the training ship for five years; that, after serving in this ship for one or two years, the indenture should be transferred to any Shipowner who would be willing to take the



apprentice, and with whom the apprentice might be willing to serve, until the completion of his term, and that these school ships should be inspected and receive grants from the State according to their efficiency.

No doubt the system of apprenticeship affords the best means of training boys for a service in which fitness can only be acquired during early life. But the success of the system of training boys for the Royal Navy, recommended by the Commission on Manning the Navy in 1859 (of which I had the honour to be a member) is so far questionable that I think some other mode of obtaining the requisite supply of seamen for the navy might have been adopted which would have been more efficacious and much *less expensive*.

For instance, "a self-supporting pension fund for the benefit of seamen, as suggested by the Manning Commission of 1859 might," they said, "prove of great value in creating a tie to bind the British seaman to the Merchant Service of his own country,"<sup>1</sup> and would, I venture to suggest, if properly organised

<sup>1</sup> There is no use hiding a fact which my experience on this Commission and elsewhere has too clearly revealed. It is this, that the officers of the Navy as a rule (there are exceptions) are much less inclined to the amalgamation, under any circumstances, of the seamen of the merchant service with those of the Royal Navy than the officers of the Army are to coalesce with the Volunteers. They desire, and it may be due to their patriotism, to have a large standing navy, as large in peace as in war if they could get it; while they do not care to be troubled with the drilling of relays of seamen from the merchant service when they can obtain young men expressly trained, solely at the expense of the State. They do not, or will not, understand the vast natural resources this country has within itself—far greater than any other countries,—or, indeed, than nearly all other countries combined, available in the hour of need.

have been a more effective mode of training and maintaining the requisite number of seamen for the Royal Navy as well as the Merchant Service. The Commissioners were also of opinion that, though not strictly within the scope of their inquiry, a self-supporting pension fund "well deserved the attention of Government."<sup>1</sup>

The desertion of seamen in foreign ports was a matter which, in the opinion of the Commissioners, "deserved the serious attention of the Government, inasmuch as British ships are now often obliged to sail on their return voyage, when heavily laden, with insufficient or incompetent crews," and they recommended entering into arrangements with foreign governments for some international conventions which should have for their object the prevention of desertion and the enforcement of better discipline in our ships when abroad.

Marine Insurance.

The question also of marine insurance was one which received most careful consideration. The Commissioners felt that while the system protects Shipowners against losses which would otherwise be ruinous, it tends to render them less careful in the management of their ships, and they were, evidently, alive to the fact that it relieved the Shipowner from all loss, when his ship foundered at sea, and frequently enabled him to derive a pecuniary profit from shipwreck. But to this difficult and important question I shall fully refer hereafter, as also to the system of advance notes inquired into by the Commission.

<sup>1</sup> See Report, 'Manning the Navy.'

Considered as a whole the Report of the Commissioners is one of the ablest documents I have ever examined, and, from the mass of valuable evidence they have taken, and the care with which it has been analysed, most of their recommendations are eminently qualified to effect the great object in view—to reduce to the lowest possible extent the loss of life and property at sea.

Report, as  
a whole,  
most  
valuable.

## CHAPTER XVII.

Loose statements with regard to the loss of life at sea, and other matters—“Coffin ships”—Great improvement of our ships and officers in recent years—Duties of the Board of Trade with regard to wrecks—Return of lives lost and saved between 1855 and 1873, *note*—Wreck chart; but the extent of loss not sufficiently examined—Danger of too much Government interference—Loss of life in proportion to vessels afloat—Causes of loss—More details required—Improvement in lighthouses, buoys, and beacons—Harbours of Refuge—Extraordinary scene in the House of Commons on the withdrawal of the Merchant Shipping Bill, 1875—Another Bill introduced by Government—Its conditions—Unusual *personal* power granted to Surveyors—Propriety or not, of further legislation considered—Compulsory load-line—Mr. J. W. A. Harper's evidence—Mr. W. J. Lamport and others—Opinion of the Commissioners—Voluntary load-line—Its value questionable—All ships should be certified as seaworthy—How can this be accomplished?—Opinion of Mr. Charles MacIver, *note*—Registration Associations—Lloyd's Register, its great importance—Improvement of seamen by better education—Evil effects of advance notes, confirmed by the opinion of the Commissioners—Over-insurance—Views of Mr. T. H. Farrer—Evidence of other witnesses—Opinion of the Commissioners—Too much legislation already—The necessity of a Mercantile Marine Code, and more prompt punishment in criminal cases—Concluding remarks on the extraordinary progress of British shipping, and the dangers of over-legislation.

Loose  
statements  
with re-  
gard to the  
loss of life  
at sea, and  
other  
matters.

ALTHOUGH one or two of the more important questions with which the Commissioners had to deal, cannot be materially advanced without an arrangement with other nations, there are others entirely within our own power. To retrace our steps, therefore,



with regard to some of these is as worthy of consideration as to devise any new enactments. But these subjects can only be properly dealt with in a calm and impartial spirit. So many exaggerated statements have been recently made, in and out of Parliament, with reference to the extent of the loss of life caused by men being sent to sea in "coffin ships,"<sup>1</sup> as if such occurrences had no existence except in our own time, and were the creation of a prevailing eagerness to be rich too soon, that it is, above all things, necessary to adhere strictly to facts, in considering further legislation, should such be necessary, and to regulate any measures to be enforced on this subject by such facts alone. Nothing can be more dangerous than legislation founded on sentimental or sensational reports.

But if "coffin ships" still exist, and I fear they do, <sup>"Coffin ships."</sup> this cannot arise from lack of legislative enactments. Indeed, the wisdom of Parliament has, for the last quarter of a century, been seriously directed every Session to the improvement of our ships and of their crews.<sup>2</sup> Nor have individual efforts of the most effective and laudable description been wanting to prevent the construction of vessels of an unseaworthy character:<sup>3</sup> while it is *not* the case, as has been alleged, that, either our ships or the officers by whom

<sup>1</sup> This term had its origin in the early part of the present century, when so many of H.M.'s 10-gun brigs, employed in carrying the mails, or on other short services, were lost, especially on their Atlantic voyages, that they got the name of "*coffins*."

<sup>2</sup> See Appendix, No. 13, p. 634, where a list will be found of the different Acts of Parliament which have been passed relating to merchant shipping since 1849.

<sup>3</sup> See 'History of Lloyd's Register of British and Foreign Shipping,' Appendix, No. 12, p. 624.

Great improvement of our ships and officers in recent years.

they are navigated have deteriorated. On the contrary, they have, within the last quarter of a century, vastly improved in almost every respect. If any of my readers have any doubts on this question, let them refer to the answers to Mr. Murray's circular of 1843,<sup>1</sup> and to those sent by our consuls abroad to Mr. J. G. Shaw Lefevre's circular of 1872.<sup>2</sup> It may be that our seamen do not "hand, reef, and steer," with the same alacrity as they did in the days of our forefathers, simply because such duties are less required now than they were then; but our masters and mates are infinitely superior to what they were a short time since, and in our regular lines of steamers and packet-ships, there are to be found a class of seamen much more sober and steady than could be found in any merchant service twenty-five years ago. Men now exist, who are quite as competent for the duties required of them, as any seamen of the days of Duncan or Nelson, and far more to be depended on for the performance of their duties on board of merchant ships than was the case in my own boyhood, although there are, still, far too many who are inefficient, drunken, and worthless. There are likewise still many ships lost which ought not to be lost, but the assertions which have been made with regard to an increase in the amount of loss during recent years have been greatly exaggerated, as I shall now endeavour to show.

Duties of the Board of Trade with regard to wrecks.

Among the multifarious duties imposed on the Board of Trade, not the least important is that connected with wrecks, casualties, and collisions of ships at home and abroad. For many years, a

<sup>1</sup> See *ante*, vol. iii. pp. 48 and 50.    <sup>2</sup> See Parl. Paper C. 630, 1872.

sort of record had been kept of those casualties, but it is not until 1855, when the duty devolved on the Board of Trade, that we have any reliable statistics.<sup>1</sup>

Of course the number of wrecks, casualties, and collisions reported for any one year, increases or diminishes according to the prevalence or absence of gales of remarkable violence and duration. These sometimes tell in an appalling manner, in the greatly increased loss of life which occurs in one year over

WRECKS, &c., OTHER THAN COLLISIONS IN THE UNITED KINGDOM.			
Year.	Total Loss.	Partial Damage.	Total.
1856	368	469	837
1857	384	482	866
1858	354	515	869
1859	527	540	1,067
1860	476	605	1,081
1861	513	658	1,171
1862	455	695	1,150
1863	503	830	1,333
1864	386	653	1,039
1865	470	832	1,302
1866	562	876	1,438
1867	656	1,020	1,676
1868	527	841	1,368
1869	606	1,047	1,653
1870	411	730	1,141
1871	398	826	1,224
1872	439	1,110	1,549
1873	212	522	734
Jan. to June			
Total ..	8,247	13,251	21,498

Annual average of 17 years,  $472\frac{1}{7}$  total wrecks, and  $748\frac{1}{7}$  casualties resulting in partial damage.

*Note.*—In the above statistical statement no earlier date than 1856 is taken, as the machinery had not in 1855 being sufficiently organised to ensure that nearly all the wrecks, &c., in that year were reported; and there is reason to believe that some may not have been reported in the years 1856, 7, and 8.

another. A Table,<sup>1</sup> copied from the wreck returns of the Board of Trade of 1874, classifies the reports so far as regards the loss of life, showing how far one year has been more disastrous than another; for instance, in 1859-60, the number of lives lost was five times greater than in the previous year, and three times more than in the year following, arising, in a great measure, from the disastrous gale in October 1859 in which 343 lives were lost in the *Royal Charter*, wrecked on the Anglesea Coast. Again, in 1867-68, nearly double the number of

Return of  
lives lost  
and saved  
between  
1855 and  
and 1873.

<sup>1</sup> The following table shows the number of lives saved, and the number of lives lost on and near the coasts of the United Kingdom, 1855-1873.

Year.	LIVES SAVED.								Lives Lost.*
	By Life Boats.	By Rocket, and Mortar Apparatus, Lines, &c.	By Luggers, and Coastguard and other Boats.	By Ships and Steam Boats.	By Ships' own Boats.	By Individual Ex-ertion.	By other means.	Total Lives Saved.	
1855-6 . .	336	499	1351	489	..	22	..	2,697	485
1856-7 . .	634	383	606	587	..	21	..	2,231	521
1857-8 . .	120	149	683	244	..	17	..	1,213	539
1858-9 . .	220	154	878	622	..	16	..	1,890	353
1859-60 . .	367	407	681	769	951†	9	..	3,184	1,617
1860-1 . .	771	415	467	858	1,499	14	362†	4,386	537
1861-2 . .	322	415	371	919	1,425	27	396	3,875	884
1862-3 . .	291	252	414	1,319	1,289	9	531	4,105	690
1863-4 . .	472	256	424	1,533	1,465	10	439	4,599	620
1864-5 . .	293	347	338	1,003	1,459	22	232	3,694	516
1865-6 . .	480	490	462	1,000	2,195	7	374	5,008	698
1866-7 . .	378	527	385	986	2,728	13	765	5,782	896
1867-8 . .	377	310	843	1,060	1,902	6	660	5,158	1,333
1868-9 . .	504	333	317	719	2,062	..	561	4,496	824
1869-70 . .	532	354	383	714	2,067	8	443	4,501	933
1870-1 . .	473	203	500	1,063	2,795	2	459	5,495	774
1871-2 . .	403	293	265	990	1,737	..	245	3,933	626
1872-3 . .	548	715	582	647	1,888	6	388	4,774	590
Total . .	7521	6502	9950	15,522	25,462	209	5855	71,021	13,466

\* The figures in this column show the number of lives lost between the 1st January and 31st of December in each year. The number of lives lost during the first six months of 1873 is 728.

† No record kept for former years.



lives were lost than during any year either before or since : in fact, no less than 326 vessels were lost or damaged, and 319 lives sacrificed by tempest, between the 1st and 3rd December inclusive of the former year.

But, though between 1855 and 1873, 13,466 lives were lost on the coasts of the United Kingdom, more than 71,000 lives were saved,<sup>1</sup> during the same period, from the shipwrecked vessels ; and, though the duty of a seafaring man is proverbially a dangerous one, and the navigation of our coasts is attended with greater perils than those in any other parts of the world, it is astonishing how small is the percentage of loss either of life or property, when compared with the amount of shipping frequenting our shores.

In the frontispiece to this volume will be found a wreck chart of the British Islands, prepared from the last Board of Trade Returns for the year 1873-4. A red dot signifies a case of total loss ; a blue dot signifies a case of partial damage. The first glance of this chart is very appalling ; but it becomes less so when we consider the enormous number of vessels annually frequenting our coasts. Many hundreds of vessels at times leave the northern coal ports, alone, in one day ; and I estimate that, in the year to which this chart refers, no less than 500,000 vessels of 90,000,000 tons ! including their repeated

Wreck  
chart ; but  
the extent  
of loss not  
suffi-  
ciently  
examined.

<sup>1</sup> We expended between 1555 and 1873 143,660*l*. (see 'Wreck Returns, 1874,' p. 11) in providing apparatus for saving life, and in rewards to individuals as well as awards of the National Lifeboat Institution (apart altogether from the efforts of that noble Society, about which see *ante*, note, p. 315), and Her Majesty was graciously pleased (12th April, 1867) to issue her warrant instituting two decorations, the "Albert Medal of the first class," and the "Albert Medal of the second class," to reward brave men, who have been conspicuous for saving life at sea or on the coast.

voyages, frequented the coasts of Great Britain and Ireland.<sup>1</sup>

But, however startling these figures as a measure of the immense number of vessels frequenting our coasts, they affect the mind much less than a glance at the actual facts, the fleets themselves. Until I made a course from the Thames to the Tyne, and saw the sea covered with ships, steamers, and fishing boats, of all kinds and sizes, and saw what an industry even the fishing alone employed, I never had clearly in my own mind a notion of what our mercantile marine really was. Let anyone survey from the fort of Tynemouth and ancient churchyard adjoining—a favourite walk of mine when I represented that borough in Parliament—and see from 200 to 300 ships going out at one tide, or watch the passing ships from Flamborough Head or from the cliffs of Dover, or let him steam through the endless crowd of herring boats off the Scotch coast, and he will have a stronger impression of the magnitude of the mercantile marine of Great Britain than can be derived from the most careful study of all our Blue Books on the subject.

In dealing with this question, it becomes our duty

<sup>1</sup> The total number of vessels and their tonnage, including their repeated voyages, that entered and cleared at the ports in the United Kingdom with cargoes and in ballast from and to foreign countries and British possessions for the year 1873 was 130,075, of 44,439,986 tons; the entrances and clearance coastwise with cargoes only, 332,148 vessels, of 40,632,014 tons. If I add to these the coasters in ballast and those with the description of cargo of which no note is taken at the Customs, as also the vessels frequenting the Channel, and bound for Hamburg, Bremen, and the Northern ports of Europe, which do not enter any of the ports of the United Kingdom, of which no return is kept, it will be found that I have not over-estimated the number which now annually pass along or frequent our coasts.—‘Navigation and Shipping of the United Kingdom for the Year 1873.’ Presented to Parliament, 1874.

to consider carefully such realities as these. We should not be led astray by a mere glance at the wrecks and casualties which appear on the face of the chart—a chart which has too frequently been used as a picture to alarm the public mind, and induce people, *who will not take the trouble to inquire for themselves*, to believe that the question of the loss of life and property at sea has not received that consideration from Government or Parliament which its great importance demands.

I have frequently remarked, in the course of this work, that, however great our exertions have been to save human life, more might still be done, but, without all the facts, further legislation, based on general impressions, and still more so on popular clamour (valuable in itself, though but too often deplorable in its results), will prove of the most mischievous character. We must, also, remember that every act fettering free navigation, renders our Shipowners less able to compete with those of other countries, and, if it does not forward the main object in view—the safety of life—must be a clear national loss, because it renders us less able to make our ships a source of profit, a result which, if not carefully watched, might easily be carried to such an extent as to discourage investments in British shipping.<sup>1</sup>

Danger of  
too much  
Govern-  
ment in-  
terference.

<sup>1</sup> This point involves many grave questions. Happily, men do not altogether live for the purpose of making money—they have other and far nobler objects in view. Some, indeed, but they are rare and grand characters, live altogether for the benefit of mankind and the progress of the human race. There are others who follow a business or profession, not altogether because it yields them profit, but because it affords them pleasure. Such is the case to a large extent in this country. We are a seafaring people, and we pursue occupations in connexion with it frequently as much for pleasure as for profit. We

Now if we take the total disasters on our coasts, including trivial accidents, it does not amount to anything like one-half per cent. per annum, and to not three out of every thousand of the vessels frequenting these shores; indeed, when we consider the dangerous character of these shores, the rocks and shoals with which they are surrounded, the storms with which we are visited, the frequency and uncertainty of these storms, and the dense fogs which often prevail, we may, so far from being startled by the sight of the wreck chart, be surprised that the casualties are not far greater. But, to arrive at the true bearing of the case, it is desirable to analyse the disasters. Besides the red and blue dots on the chart, indicative of total loss or partial damage to vessels, I have indicated by similar dots, with a cross above, the number of disasters in the course of the year, which were attended with *loss of life*. When my readers examine these, they will be still more

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enjoy the business of Shipowners, because it is natural to us, and we take a delight in improving the forms of our ships. I have seen a captain whose heart was in his ship, caress her!—yes, caress her, by clapping the taffrail where he stood when she was performing her work to his satisfaction, as if she had been a living thing, and heard him exclaiming, “Go a-head, my beauty!” just as many persons may have been heard extolling the performance of a favourite horse. Care must, therefore, be taken not to interfere by *unnecessary legislative enactments* with what is not merely our business but our pride and pleasure, or we may be driven, to the serious loss of the nation, to seek other investments for our capital. We have now arrived at that point where competition has become so close that if we tax our Shipowners to any greater extent than they are now taxed, directly or indirectly (interference with their affairs is the heaviest as well as the most obnoxious of all taxes), we shall most assuredly drive their ships from the trades in which they are now engaged, or compel them to submit to the humiliation of seeking a Foreign register, and hoisting a Foreign flag.



agreeably surprised. From the Frith of Forth to Spurnhead, a distance of somewhere about 150 miles of the most rugged, unprotected, and dangerous coast in the world, where numerous fleets of vessels are constantly wending their way, and in every description of weather, there were only seven vessels wrecked with loss of life during 1873-4, and two of these were partial losses. In calling attention to this fact, I must remind my readers that, on the part of our coast in question, the most inferior description of vessels, and the most deeply laden, carry on their hazardous trade. If we next cast our eye over the line of coast extending from London to the Lizard Point, and embracing the whole coast of the English Channel, a distance of somewhere about 400 miles, we will see that during the whole of the same year there were only fifteen wrecks with loss of life, and seven of these were partial. Nor is the proportion greater on any other portion of the coasts of Great Britain and Ireland.

But we should do well to inquire still further, and not merely compare the present number of disasters with those of former years, but likewise their extent and character; and, as far as is practicable, the different causes of loss, so as to endeavour to apply, to the best advantage, any further remedies that may be necessary. I have shown<sup>1</sup> that the average loss of life during the three years ending 1835 was 894 per annum, when we owned 2,780,000 tons of shipping; but the loss of life for the year 1873-4, when our Merchant Shipping had increased to 7,294,230 tons, of which no less than 1,825,738 tons consisted

Loss of life  
in propor-  
tion to  
vessels  
afloat.

<sup>1</sup> See *ante*, p. 465.

of steamers, in which the risk of navigating our coasts is greatly increased, amounted only to 506, of whom 103 were lost in foreign vessels. Many of the remaining 403 were lost on fishing boats, and other vessels not registered under the Merchant Shipping Act.<sup>1</sup> Very material progress towards the saving of life on our coasts has, therefore, been made during the last forty years—a progress which will appear the more striking when I direct attention to the fact, that, while the entrances and clearances of British ships engaged in the foreign trade were, in 1835, not much more than 4,000,000 tons, they had increased to more than 26,000,000 tons in 1873–4.<sup>2</sup>

Causes of  
loss.

Of the 506 lives lost, 61 were lost in vessels that foundered; 76 through vessels in collision; 200 in vessels that stranded or were cast ashore derelict; and 101 in missing vessels. The remaining 68 lives were lost from various causes, such as by being washed overboard and by other accidents on board. The whole of the above lives were lost in 130 vessels, 87 of which were laden, and 40 in ballast. It is not known whether the remaining three were laden or light.

If we take the last five years from 1869 to 1873–4 inclusive, we find the total number of wrecks and casualties of vessels of every kind, arising from all causes and including collisions, amounted to 8952, giving an annual average of 1791; the average loss of life in these vessels during the five and a half

<sup>1</sup> The year previous to 1873–4 was a much more disastrous one than the year before it, as there were 728 lives lost in the six months ending 30th June, 1873, which is in some measure accounted for by the wreck of the ship *Northfleet*, when 293 lives were lost.

<sup>2</sup> See Parl. Paper, 214, 1875, pp. 4 and 11.

years, including the disastrous half-year 1873, being 755 per annum. Although no return is kept in minute detail of the approximate cause of these disasters, we learn from the wreck register, that in the year 1873-4, 381 were from collisions, and 1422 from wrecks and casualties other than collisions; 346 were wrecks, &c., resulting in total loss; and 1076 partial damage more or less serious. Of the total losses, 128 happened when the wind was at "force 9 or upwards" (a strong gale), and they are classed as having been caused by stress of weather; 93 from inattention, carelessness, or neglect; 30 from defects in the ship or equipments (and of these thirty, 19 appear to have foundered from unseaworthiness); the remainder seem to have arisen from various other causes. Of the 1070 casualties, 525 arose from stress of weather; 180 from carelessness; and 91 from defects in equipments; and the remainder from various other causes. In 1873-4, there were, on or near the coasts of the United Kingdom, 165 wrecks and casualties to smacks and other fishing vessels, which are included in the above returns, and in these, 76 lives were lost, while 195 lives were lost in vessels of the collier class.

These returns are, no doubt, very valuable as far as they go, and have become more so since they were extended to the loss of *all* British ships, and, where practicable, to the cause of the loss. But the class of the vessel, whether built of wood or iron, and the draught of water when she left her last port, might be added to advantage. Nor should we omit the familiar S.S. to distinguish steam from sailing ships. However, they amply show that

More details required.

no charge can be justly made against either the Government or the Legislature of any dereliction of duty in their endeavours to save the life of all persons who "go down to the sea in ships." Nor can we charge the people of this country with any callousness or want of sympathy for the seafaring portion of the population. The number of Acts of Parliament passed in recent years, and the grants of public money voted for the purpose of saving life, are an answer to all such charges; while noble private institutions, like the Shipwrecked Mariners' Society, the Lifeboat Establishments, the Royal Alfred Asylum, besides various other charitable associations for the benefit of seamen, testify in this respect to the liberality of the public.<sup>1</sup>

Improve-  
ment in  
light-  
houses,  
buoys, and  
beacons.

Nor have the lights, beacons, and buoys on our coast, all tending materially, as they do, to save life, been neglected. On the contrary, while we have greatly reduced the charges, we have increased the number and highly improved the quality of our lights. By the Act passed in 1836,<sup>2</sup> a number of lighthouses, which formed part of the hereditary estate of the

<sup>1</sup> As it has often been broadly stated that employment in British ships is much more dangerous now than it was in 1836, when the first Committee sat to inquire into the cause of shipwrecks, I may reply that the most careful analysis shows that, while the losses were then on the average of the three previous years 3·72 percentage of the number of vessels (or rather of their tonnage) employed, they were for the three years previous to 1873 only 2·95 per cent., although these years were exceptionally fatal to ships laden with timber, grain, and coal (see Appendix to 'Commission on Unseaworthy Ships,' pp. 780 and 791), arising from the enormous increase in the oversea trade of these articles. For instance, while in 1861, 57,745,993 cwts. of corn were imported, the imports in 1872 amounted to 97,765,298 cwts. The imports of timber rose between the same periods from 3,358,589 to 4,949,786 loads; and the oversea exports of coals from 7,934,832 in 1861 to 13,198,494 tons in 1872.

<sup>2</sup> Lighthouses, 6 & 7 Wm. IV. cap. 79.



Crown and had been allowed to get into the hands of private persons, were transferred to the Trinity House, provision being made for reducing the exorbitant tolls previously levied. By an Act of 1853,<sup>1</sup> the expenditure of the Trinity House on light-houses, and that of the Scotch and Irish lighthouse boards, was subjected to the control of the Board of Trade, and, since then, the reduction on the charges for lights, buoys, beacons, &c., has been fully 75 per cent. Nor has the question of Harbours of Refuge Harbours of Refuge. been overlooked; for, besides the construction of various national harbours, large sums of public money have been advanced at a low rate of interest for the improvement of local harbours, expressly for the benefit of merchant ships and seamen, and these, while facilitating commerce, have, in no small degree, tended to the safety of life and property.

Indeed, so anxious has Government been to rectify any shortcomings in legislation, which might tend to the loss of life, or inflict a hardship on seamen, that the Bill of Mr. Fortescue (now Lord Carlingford), passed in 1873,<sup>2</sup> contained not merely clauses about "load-lines" and "clear sides," but a provision giving seamen a claim for compensation when, having been detained on a charge of desertion, the ship, upon survey, was shown to be unseaworthy. This Act further contains a provision, strengthening the power of the Board of Trade to detain unseaworthy ships, whereby that "Board are enabled to act of their own accord, and without complaint from without," the result of which has been that, up to the last return,<sup>3</sup>

<sup>1</sup> Merchant Shipping Act Amendment Act, 16 & 17 Vict. cap. 131.

<sup>2</sup> Merchant Shipping Act, 36 & 37 Vict. cap. 85.

<sup>3</sup> Parl. Paper, C. 1152, 1875.

out of the 474 vessels detained and surveyed by the Board of Trade under this Act, 435 have been on the report of their own officers, and 39 only on complaints made *ab extra*.<sup>1</sup> To these facts I may add, as

<sup>1</sup> However beneficial in its results, it may well be questioned if any body of surveyors ought to be empowered at their pleasure, without complaint, to thus retard trade and stop the ordinary course of commerce; and I am disposed to question alike the policy and the wisdom, as well as the necessity, of this regulation. There appear to be now employed in these questionable operations, no less than 117 Government surveyors, "shipwrights," and "engineers," stationed at different ports in the United Kingdom, twelve of whom are retired officers of the Royal Navy, besides a good many so-called "shipwrights," who can have very little knowledge of the construction of merchant ships or of their requirements.<sup>(\*)</sup> In making these appointments, the fact seems to have been overlooked that, at all our ports, there are the surveyors of Lloyd's Register, or of other similar associations, whose services might have been utilised with a great saving of public expenditure, and with, perhaps, greater efficiency. Yet I read, to my astonishment, in the public journals not long since a letter (6th August, 1875) from Mr. Plimsoll, addressed to the President of the Board of Trade, in which, among much irrelevant matter, he urgently recommends eighteen more surveyors to be appointed by Government, at a salary of not less than 1000*l.* per annum. I sincerely trust no such appointments will be made; but that Government will direct its attention to other more economical and more efficient modes of removing the evils of which Mr. Plimsoll complains, if indeed they exist at all to the extent alleged. There is no use hiding the fact that all such appointments must be filled, in a great measure, through patronage, and that it would be impossible to find men, even at the tempting salary named, competent for the numerous technical and responsible

(\*) The staff of the Board of Trade, and its cost for salaries, in 1875 were as follows:—

Employment.	Number.	Aggregate Salary.
		£
In the Board of Trade and registry of seamen .. ..	237	48,760
Examinations .. .. .	13	3,355
Mercantile marine offices .. .. .	237	24,416
Surveyors, emigration officers, tonnage measurers, re-	154	30,078
corders of draught of water .. .. .		
Nautical assessors .. .. .	..	3,000
Total .. .. .	641	109,609

having a very important bearing on the opinions I have hitherto ventured to express, that only 24 out of the 474 vessels were detained *because* they were overladen; and that, out of these, not a single vessel detained was alleged to be overladen on information given by the crews, notwithstanding the encouragement they had to become informers against their employers. This power to detain is extended to cases of overloading and improper stowage or imperfect loading, and the conditional orders of release are of a very elaborate character, while the provisions concerning payment of expenses, and the mode of appeal, are made far more full and explicit.

This Act further gives power to vary the requirements contained in the Merchant Shipping Act of 1854 with regard to boats—requirements, I may add, which it had been found practically impossible to comply with. It likewise contains a clause, which ought to have been the law long since, making it criminal (though the dictates of humanity, it had been thought, were in themselves sufficient), in a

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duties that would be required of them. But if such men could be found, are we to hand over the whole of the vast maritime interests of this country, from the time the keel is laid to the despatch of the ship to sea, to the supervision and control of a certain number of Government officials, however competent? As it is, the duties of the surveyors, already appointed, are too frequently as ludicrous as they are questionable. I daresay Mr. Plimsoll must have felt this when he recommended in his letter to Sir Charles Adderley, that “we ought not to have less than four detaining officers in Ireland, four in Scotland, and ten in England, and that the *minimum average* (?) salary should be 1000*l.* per annum.” Of course he meant them to look after the officers already appointed as well as after the ships; and that they should be “apart altogether from the Permanent Secretary, and the Secretary of the Marine Department,” whom he charges, in the same letter, without, by the way, one tittle or shadow of evidence, with the grossest dereliction of duty.



master, after collision with another vessel, not to stand by and render assistance. In the same statute, a code of signals of distress has been adopted and very properly enforced, as well as a general code of pilot signals.

Many losses having occurred from spontaneous combustion of coal on board ship, Government, in 1874, appointed, on the recommendation of Lloyd's Committee, a Royal Commission, under the chairmanship of Mr. Childers, to inquire into this subject, but this Commission has not yet concluded its labours.

Extra-ordinary scene in the House of Commons on the withdrawal of the Merchant Shipping Bill, 1875.

Early in the Session of 1875, the Government introduced another Merchant Shipping Bill, containing various amendments of the then existing law, and among them a special clause which had for its object the abolition of all advance notes. This Bill met with very considerable opposition (partly of a frivolous character), rendering its progress through the House so slow, that Government found it desirable to withdraw it, more especially as the Bill had been materially altered and curtailed in the course of various divisions, especially in the clauses referring to the advance notes and other matters of importance.

When Government intimated its intention of withdrawing the Bill of which they could no longer approve, and which they had not time to pass, a scene arose<sup>1</sup> happily of rare occurrence in the debates

<sup>1</sup> I feel no hesitation in giving, from the public journals, an account of this most extraordinary and unusual scene, not merely as an episode in the history of Merchant Shipping, but to explain the circumstances under which the temporary Act now in force was passed at the close of the Session of 1875 :—

“ Mr. CHARLEY asked the First Lord of the Treasury whether he could hold out any hopes of being able to afford facilities for the third reading of the Infanticide Bill in time to enable the House of Lords to consider it this Session.

“ Mr. DISRAELI said he thought he could hold out some hopes to the



of the British Parliament. It was closed, however, with great dignity by the Prime Minister and leader

hon. member. He felt some difficulty on Monday in stating the intentions of the Government, but this arose from their desire to pass the Merchant Shipping Bill this Session; but, finding it impossible to get through the committee on the Agricultural Holdings Bill this week, they had come to the conclusion to abandon the Merchant Shipping Bill. It had been submitted to the Government that they might pass the Bill in a modified form, but he declined to deal with the subject in that fragmentary manner. All he could say was that they would take the earliest opportunity of bringing forward the measure next Session.

" Mr. GOSCHEN, speaking on behalf of the shipping interest, expressed his extreme regret that the Merchant Shipping Bill had been sacrificed for the Agricultural Holdings Bill.

" Mr. PLIMSOLL earnestly entreated the Government not to consign thousands of their fellow-creatures to an undeserved grave. There were, he said, shipowners of murderous tendencies—( 'Order, order!')—who had frustrated the passing of the Bill by protracted debates. The secretary of Lloyd's had assured a friend of his that he did not know of a single ship which had been broken up during the past thirty years because it was worn out. The result was that hundreds of brave fellows were sent to unhallowed graves by these speculative scoundrels—(cries of 'Order!' and uproar).

" The SPEAKER informed the hon. member that his remarks were out of order. When the Merchant Shipping Bill, which was on the orders of the day, came up for consideration he would have an opportunity of addressing the House.

" Mr. PLIMSOLL said he would give notice that on Tuesday next he would put a question to the President of the Board of Trade with reference to certain vessels which had been lost, entailing a great sacrifice of human life, and would ask whether those vessels were not owned by Mr. Edward Bates, the member for Plymouth, or a person bearing the same name. He should also have some questions to put, with respect to members on the Liberal side of the House, for he was determined to unmask the villains who sent these people to their death—(cries of 'Order!' and tremendous uproar).

" The SPEAKER said: The hon. member has used the term 'villains.' I trust that he did not apply it to any members of this House.

" Mr. PLIMSOLL: I did, sir, and I shall not withdraw it.

" The SPEAKER: The conduct of the hon. member is altogether unparliamentary, and I call on him to withdraw the language—(cheers).

" Mr. PLIMSOLL (excitedly): And I must again decline to withdraw it.

" In reply to a third interrogation by the Speaker, the hon. member again declined to withdraw.

of the Commons. He had introduced such a measure as he no doubt, after grave consultation with his

The SPEAKER: The hon. member declines to withdraw, and I must submit his conduct to the judgment of the House.

“ Mr. PLIMSOLL, standing in the centre of the House, said he would submit to the judgment of the House. Once more approaching the table, holding a paper in his hand, said, ‘ This, sir, is my protest,’ and was proceeding to address the House, but in obedience to loud cries of ‘ Order!’ he took his seat on the front bench below the gallery.

“ Mr. DISRAELI rose and said that the conduct of the hon. member was almost unparalleled.

“ Mr. PLIMSOLL, jumping up and interrupting: ‘ And so is that of the Government’—(tremendous uproar).

“ Mr. DISRAELI, continuing, said: I feel that it is my duty, as far as I can, to uphold the dignity and honour of the House; for the conduct of the hon. member has been not only violent, but so offensive, that it is impossible for the House to pass it over. As the hon. member has declined to withdraw the word used, it is my duty to move that he be reprimanded by the Speaker for his disorderly and violent conduct—(loud cheers).

“ The SPEAKER said that according to the practice of the House the hon. member for Derby would answer in his place, and then withdraw.

“ Mr. PLIMSOLL retired to the bar, and as he reached it, turned round apparently with the intention of saying something, but the members there prevailed on him to pass out, and as he did so, he exclaimed: ‘ You do not know the men as well as I do. This will cost the lives of thousands.’ The hon. member then left the House.

“ The Marquis of HARTINGTON rose and was about to address the House, but was informed by the Speaker that the motion before the House was, that the hon. member for Derby be reprimanded.

“ The Marquis of HARTINGTON said he need hardly state that he should support the motion—(cheers). It was evident that the hon. member was labouring under great excitement, but he was not justified in using the language he had employed. No doubt, when he had a little time for reflection, he would see his conduct in a different light—(cheers).

“ Mr. SULLIVAN said the scene they had witnessed was without precedent in the House, but he appealed to the House to be indulgent to the hon. member. He was aware that the hon. member was extremely ill, and his state of mental excitement arose from his overstrained feelings. Without seeking to justify the transgression of the hon. member, he wished the House would allow him to have a week’s rest, by which time he would be in a position to apologise for his misconduct. He (Mr. Sullivan) held in his hands the documents which had wrought the hon. member up to his present state of excitement, and for some time past his friends had been caused the most serious uneasiness

Cabinet, considered necessary and sufficient. The House, and more especially those members of it who were more immediately interested in maritime affairs, and who either approved or opposed the views of Mr. Plimsoll had so mutilated the Government measure, that Mr. Disraeli would no longer be responsible for it. To use his own words, he “declined to deal with the subject in that fragmentary manner,” and no

by the deplorable state of his mind. If the House would afford him a few days’ rest, he would no doubt be able to set himself right—(cheers).

“Mr. DISRAELI then moved that the hon. member for Derby be requested to attend in his place on this day week—(loud cheers).

“Mr. FAWCETT said that Mr. Plimsoll was at present in an extremely painful state of excitement. He had gone out to him in the lobby, and found him in the most lamentable condition. By great effort he had persuaded him to take a walk in the open air—(great laughter). At the end of a week there was little doubt that he would withdraw the violent expressions he had used—(cheers).

“Mr. BASS, as the colleague of Mr. Plimsoll, offered his grateful acknowledgments to the House for the course they had taken—(cheers).

“The matter then dropped.

\* \* \* \* \*

“On the motion for discharging the Merchant Shipping Bill,

“Mr. BATES said that he wished, with the indulgence of the House, to make a statement with respect to what had fallen from the hon. member for Derby earlier in the sitting. All who had witnessed the extraordinary exhibition would agree with him that the hon. member for Derby was not responsible for his actions. With respect to himself it was unfortunately true that he had lost during the last two years five ships; but ships better found in every respect were never sent to sea. They were all of them iron ships, and classed A 1. To himself, personally, pecuniarily the loss was very severe, as he never insured his ships for more than one-half or two-thirds of their market value. That was not so much the matter; but he did deplore the loss of his men, and his only consolation was that, as far as human foresight could go, the ships were as good and as safe as man could make them. He felt assured that the statement of the hon. member for Derby would be looked upon by all, as he looked upon it, with pity—(cheers).

“The House shortly afterwards adjourned.”

Mr. Plimsoll subsequently apologised for his conduct to the House. But it is much to be regretted, *on his own account*, that he neither attempted to substantiate the charges he had brought against Mr. Bates, nor asked leave to withdraw them.



man of prudence or common sense can blame him for the course he adopted under these circumstances.<sup>1</sup>

Another  
Bill intro-  
duced by  
Govern-  
ment.

Unfortunately, however, the popular outcry was so great against the course he had adopted, aroused as this had been for the moment by the well-meaning but rhapsodical protests of Mr. Plimsoll, backed, as they no doubt were, by many really benevolent men, that Mr. Disraeli, in the end, considered it expedient to introduce another Bill, embodying a portion of his own views together with those of the philanthropists. Although this Act contains some necessary and useful provisions, it is not a wise measure, nor can the Government have considered it perfect, as it was hurriedly passed so late in the Session as the 6th of September, and is only to remain in force until the 1st of October 1876.<sup>2</sup>

Its con-  
ditions.

This Act confirms the powers previously given to persons, specially appointed by the Board of Trade, to detain what they consider unseaworthy ships, *without previous orders from the Board*, an addition which, however necessary, ought not to have been conceded to any individuals without much further consideration and discussion than it received. This addition opens the door to corruption in its most pernicious and dangerous forms, by giving, as it does, to each one of a great number of subordinate officers, *personal* authority to detain "unseaworthy vessels," thus transferring to a single person a power the

Unusual  
personal  
power  
granted to  
Surveyors.

<sup>1</sup> When the Bill was withdrawn there stood upon the orders of the day of the House of Commons no less than 178 amendments to it, many of them on subjects of great importance and difficulty, as well as of great intricacy. See *Times*' report of Mr. Disraeli's speech at the Mansion House, 4th August, 1875.

<sup>2</sup> 'Unseaworthy Ships,' 38 & 39 Vict. cap. 88.



Board of Trade alone possessed under the Act of 1873, and laying down a principle contrary to all good government, while relieving that Board of its administrative responsibility. Otherwise the Bill contains some useful provisions, and none more so than where it prohibits the carriage of a cargo of which more than one-third consists of grain, &c., unless the grain is secured from shifting by suitable boards or otherwise. But, while this clause may be necessary or right in itself, its meaning may be misconstrued, and it may lead to further and more detailed legislation, making its vague language specific, and calling on Government officers in *Foreign* ports to enforce its provisions.<sup>1</sup>

The Act also amends the clause in the Act of

<sup>1</sup> Already there seems to be a misapprehension. Mr. Plimsoll, as would appear by the newspapers, has been spending his vacation on the shores of the Black Sea and Danube, visiting the grain ports, and instructing the masters of all vessels loading grain how to stow it in accordance with the conditions of the new Act. That he is clearly of opinion that inspectors should be appointed is evident from the fact that he appointed forty of them! and that the Foreign Office approves of what he has done! What next and next? But the Board of Trade, by the correspondence which has been published, is of an entirely different opinion, and maintains that the Act of Parliament gives no such power. Nor does it! Nor should it! It is not the duty of Government to appoint inspectors to see that its laws are carried into effect. I say nothing as to the expense and impracticability of having surveyors at every port in the world where a ship is to load grain; but, if such is the meaning of the Act as applicable to grain ships, where is this sort of legislation to end? Are we to have Government inspectors to see to the loading of all our ships at home and abroad? And if so, why should this new system not be applied to every branch of commerce? Nay, why should it not extend into our houses? Surely heavy penalties would, in the case of grain ships, be a much more effectual mode of enforcing the conditions of the Act. Is there to be no end to the folly of unauthorised individuals appointing surveyors to inspect the loading of our ships abroad, or interfering with duties alone within the power of the Executive Government? It is high time we put a stop to these well-meaning, but Quixotic, proceedings.

1871, which makes the sending an unseaworthy ship to sea a misdemeanour, by providing—

(a.) That criminal liability shall attach to any one who attempts, or is party to an attempt, to send such a ship to sea, and to a master who knowingly takes such a ship to sea.

(b.) That every ship shall have a registered managing owner, and that if she is sent to sea from any port in the United Kingdom in an unseaworthy state he shall be liable, unless he proves that he has done all he can to prevent it.

The Act further provides that every British ship shall be marked permanently with lines on her sides showing the position of her decks.

It also provides that the owner of every foreign-going British ship shall, before clearance outwards from any port in the United Kingdom, mark upon her sides a maximum load-line, and shall insert the distance between this and the deck marks in the entry outwards at the Custom House and in the agreement with the crew.

The Act further stipulates that every contract with a seaman shall imply an obligation on the part of the owner and his agents to use all reasonable efforts to make and *keep*<sup>1</sup> the ship seaworthy. The effect of this clause is to give the seaman or his family a remedy against the owner. But it does not

<sup>1</sup> I cannot understand what is meant by the word “keep.” A ship sails in a seaworthy condition, but an accident happens on the voyage which *may* render her “unseaworthy”: is the master, under such circumstances, to put back to the nearest port for repairs? and if he does not do so, and his ship is lost, it may be from causes wholly different, is his policy of insurance to be invalid, and is he to be responsible for any loss of life that may thus occur?

extend to damage or loss of life caused by the act of a fellow seaman other than the master.

Happily it is not necessary, in reviewing the recent changes in our Mercantile Marine Laws, to notice those personal matters which have unfortunately been raised in the course of their discussion, except to express regret that Mr. Plimsoll in dealing with a subject of such great public importance should have made grave assertions and charges alike against Government and private individuals, too many of which he has not merely entirely failed to prove, but has neglected to withdraw.

Had Government been persistently neglectful of its duty in its endeavours to mitigate the loss of life and property at sea, there might have been an excuse for some of these charges, especially if it had neglected necessary legislative enactments.<sup>1</sup> But such has not been the case. On the contrary, Parliament of late years, while producing some excellent measures, has interfered far too much with the details of the affairs of individuals connected with Merchant

<sup>1</sup> In Mr. Plimsoll's protest, which, as the rules of the House of Commons would not allow him to present, he either threw upon the table, or had dropped into the House from one of the galleries, (\*) he says, "I charge the Government that they are wittingly and unwittingly, for they are both, playing into the hands of the maritime murderers inside the House and outside the House to secure a further continuance of the present murderous system." . . . "I desire to unmask the villains who sit in the House, fit representatives of the more numerous, but not greater, villains who are outside the House." I offer no comment on this language. It tells its own tale of the state of mind of its author.

(\*) The disgraceful scenes in the House of Commons could not have arisen from Mr. Plimsoll's momentary excitement, when the Government announced the withdrawal of its Bill, but must have been premeditated, as this carefully prepared protest too clearly shows.

Shipping: and, though yielding for the moment to a popular cry, Mr. Disraeli may well have had reasonable doubts whether further legislation might not, so far from lessening, tend to increase those dangers and disasters which must ever attend the navigation of the ocean.

Propriety  
or not, of  
further  
legislation  
considered.

Having, however, officially announced his intention to review the whole subject, and to consider it in all its bearings, I venture to invite the attention of my readers to the more important points now pending. They are: a compulsory load-line, and the production of an official certificate of seaworthiness by all ships before they are cleared at the Custom House.

Compul-  
sory load-  
line.

Mr. J. W.  
A. Har-  
per's evi-  
dence.

So far as regards the proposed compulsory load-line, a very competent and intelligent witness who gave his evidence before the Royal Commission on unseaworthy ships, says,<sup>1</sup> "I think nothing could be more serviceable and nothing more excellent than to obtain and, if it were possible, enforce a load-line; but I also think there is nothing more impossible. A load-line, do what you may, is the opinion of an expert. How can you, by authority, enforce the opinion of an expert? I have had before me," he continues, "a great many proposals for ascertaining load-lines for ships. Some of them are very ingenious. By the best of them you may get, with considerable accuracy, the cubical displacement of the empty ship, the displacement of the cargo, and so you may arrive at the cubical space left in the ship available for floating. And getting that you get a valuable and useful fact for some objects. *But the*

<sup>1</sup> Mr. John W. A. Harper, Secretary to the Salvage Association. See Question 8769, p. 311.



*supreme difficulty remains untouched, viz., What ought the floating capacity to be? I cannot imagine it possible to enforce by any Government intervention a rule which must depend in every individual case upon the opinion of an expert."*

Such, also, was the purport of the evidence of the great majority, if not of all the witnesses examined before the Commission; but I quote that of Mr. Harper, because he is not merely thoroughly competent to offer an opinion on the subject, but is altogether disinterested. Indeed, from the appointment he holds, it would be to his interest to recommend a compulsory load-line, and he would no doubt have done so, had he not thought that any such legislative measure would be likely to aggravate the evils sought to be remedied. In fact, the whole tenor of the evidence is that a fixed load-line would do more harm than good.<sup>1</sup> And such was the opinion

Mr. W. J.  
Lamport  
and others.

<sup>1</sup> See also evidence, W. J. Lamport, Question 5556, p. 192. With regard to the question of overloading, Mr. Lamport made a remarkable statement, which I do not hesitate to give at length, because it differs entirely from an opinion prevailing at present in the public mind.

The CHAIRMAN asked (Question 556): "From your knowledge of the shipping in Liverpool during forty years, Do you think that there has been a great deal of overloading?"—"Since it was intimated to me that I was to be asked to give evidence in this room, I have been trying to task my memory for cases in which when vessels had foundered or had not been heard of, I myself had felt a reasonable suspicion that the cause was overloading. I have not been able to bring to my recollection a single instance of the kind. Now this result, I must confess, was a little startling to myself, and in order to check it I spoke to the overlooker of my firm, who is a man older than myself, who has had longer experience than I have had, and who, from his outdoor business, would probably hear of such things more frequently than I should. The overlooker told me that he himself did not remember a single instance, in which he had suspected that any vessel which had left the port of Liverpool had been lost because of being overloaded."

I may add, from my intimate knowledge of Mr. Lamport, which

Opinion of  
the Com-  
mission-  
ers.

of the Commissioners, who state, "that any rule of freeboard founded on surplus buoyancy gives to a vessel of light scantling an advantage over a stronger vessel. Thus the inferior ship would by law be allowed to carry the heavier cargo. Such an enactment would not contribute to the safety of life at sea. From all the evidence we have collected on this subject, we are of opinion that an Act of Parliament enforcing any scale of freeboard would be *mischievous*." . . . "A law presenting such a rule would therefore *enhance the perils of a seafaring life*."

Nor can impartial persons who have studied this question arrive at any other conclusion, for as the Commissioners justly add, "There is no general agreement as to a rule by which the requisite amount of *reserve* buoyancy could be determined, and it appears that, except under definite circumstances, it is not a determinable problem. The proper load-line in each particular case depends not only upon the principal dimensions of the ship, but also upon her form and structural strength, the nature of her cargo, the voyage, and the season of the year."

Voluntary  
load-line.

The Commissioners, consequently, limited their recommendation so far as regards freeboard to the

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extended over a period of thirty years up to his untimely death, that these were no mere words of course. Indeed, the statement agrees with my own experience; and, from the inquiries I have made elsewhere, there are comparatively very few ships lost from overloading, except in the coasting and short-voyage trades. In confirmation of this opinion, the Commissioners, in their final report, state that "It is chiefly among the small coasting vessels that any habitual overloading prevails," and "that there are a large number of ships in ballast annually lost, while the losses from collisions show that the management and negligence of sailors are not less disastrous than the carelessness of shipowners."

extent that "every merchant ship should have marked upon each of her sides amidships, a vertical scale of feet downwards from the edge of her main-deck," and that a note of her draught of water "should be entered in the log after the vessel has received her full load, immediately before the time of her starting on her voyage, which should, wherever practicable, be left with the officer of Customs or with the British Consul, by whom it should be recorded.

This recommendation was proposed to be carried out in the Government Bill which was withdrawn, but, in the Act now temporarily in force, the provisions are somewhat different. The advantages of either system are problematical. Shipowners will continue, as they have hitherto done, to load their vessels to such draught as they consider prudent, and if one of their vessels is lost, and other persons remark that she was too heavily laden, the answer will either be that the draught was as usual, or that safety in proportion to depth is a matter of opinion depending on many varying circumstances. The mere fact of publicly recording the draught of water would, it is to be feared, have little effect on unprincipled or avaricious Shipowners, against whom alone the law is aimed. Practically, I think the system of marking now in force will be of little or no avail, and that the result will not be as the framers of the law intended. A Shipowner being now required by law to mark upon the sides of the vessel amidships a circular disc 12 inches in diameter, to be so placed that "the centre of the disc shall indicate the *maximum* load-line in salt water to which the owner intends to load the ship for that voyage," will per-

Its value  
question-  
able.

ceive that to place the disc only slightly above the usual line of load draught would, on the one hand, fetter him to some extent; while, on the other hand, he would incur no disadvantage by placing it so much higher as to ensure its being well clear of the water under any circumstances of loading. A maximum load-line will, therefore, in practice mean the line down to which the ship will certainly *not* be loaded. Indeed, from the information I have gained on the subject, the practice with some Shipowners seems already to be that the discs are placed one, two, and in some cases, three and even four feet above the water-line. The mere marking it would, therefore, appear in a great measure worthless, as surveyors will still require to wait until a ship has her cargo on board and is ready for sea, before they can form any opinion as to her safety. Whether it is wise, on the part of Shipowners, to place the disc so far above the vessel's ordinary water-line as to make it meaningless has been doubted by many, but the fact remains that it is so placed in very many instances. It would, certainly, have been better to have omitted from the clause of the Act I have just quoted the word "maximum," as few Shipowners would have placed their discs too high if, by doing so, this indicated an intention on their part to overload their vessels.

However, if it can be shown that this new mode of marking the sides of a ship tends in any degree towards the greater safety of life and property at sea, the shipping community, generally, will not complain of the expense and trouble. In all good governments there is a pervading principle to which all classes submit, that the interests of the few must be made



subservient to the good of the many, and that, especially where life is at stake, no reasonable trouble or expense should be spared to preserve it. But if, on the other hand, it is found that this system of marking or registering the draught of water is useless, or even injurious, Shipowners will have great cause of complaint against Government for an unnecessary interference with their business, provided they can show that they have made an earnest endeavour to apply the provisions of the Act fairly and in the spirit in which they were framed.<sup>1</sup>

The other important point on which Mr. Plimsoll insisted is of a different character. But to carry it out in the way suggested, or as it was argued in the House of Commons and before the Royal Commission, would be impracticable, and even if practicable, it would be most mischievous: the Commissioners in their Report state the question as follows:—"With the view of providing for the greater safety of life at sea, it has been suggested that the Board of Trade shall superintend the construction, the periodical inspection, the repair, and the loading of all British Merchant Ships." Considering the extent of our mercantile marine and the mode in which business must, necessarily, be conducted if we desire to maintain our present high position as a maritime nation, any such suggestion is simply absurd and, if carried into effect, would be most ruinous. That we have already too much legislation in matters of detail the Com-

All ships  
should be  
certified as  
seaworthy.

<sup>1</sup> It appears to me to be a grave mistake to require the insertion in the ship's articles of the draught of water. These articles are an agreement between owner, master, and crew, and are binding on all. How can a drowned sailor's family claim compensation for a vessel being loaded to a draught the sailor himself agreed to?

missioners themselves admit. Referring to the pernicious effects of inquiry into such matters by Government surveyors on Emigrant ships, they say, and from the evidence before them they would have been justified in expressing their opinion in still stronger terms, "We consider it to be a question worthy of serious consideration, whether, in the case of passenger ships, the certificate of the Board of Trade, so far as regards specific approval, should not be expressly confined to the number of passengers to be allowed, and to the accommodation for their health, comfort, and general security; all questions of unseaworthiness of hull, machinery, and equipment being left to the owners, subject only to a general power of interference in case of danger, sufficiently apparent to justify special intervention."

How this  
can be  
accom-  
plished.

I have been unable to ascertain who made the extraordinary proposal, that every ship from the time her keel was laid until she was loaded and ready for sea should be under the superintendence of officers appointed by the Board of Trade. In justice to Mr. Plimsoll I must state that, though I have read his book, and nearly all his speeches, I cannot trace any recommendation that the merchant ships of this country should be placed, either as regards construction, inspection, or repair, altogether, under the control of the Board of Trade or of any other Government department.<sup>1</sup> What Mr. Plimsoll mentions seems to me, to be a matter to which I have often referred in the course of this work, that we do

<sup>1</sup> Mr. Gray, the Assistant-Secretary to the Board of Trade, stated (Question 10,088) that the Board had received a letter from Mr. Plimsoll, suggesting that the Department should employ the staff of 'Lloyd's Register' to assist in the survey of certain merchant ships.

not utilise to anything like the extent we might the vast private resources within ourselves, and that we might do so to advantage, so far as regards *the survey of our merchant ships*, not one of which he suggests should be allowed to go to sea unless she is *seaworthy*. Now this is a suggestion which few men would be bold enough to decline to consider, and Mr. Plimsoll points out how this may be secured by means already at our disposal. Perhaps in the way he puts it, the difficulties with which it is surrounded could not be overcome; but the maxim cannot be ignored, as it is sound in principle.

To leave the survey of our ships to any one private institution, not on a sufficiently broad basis, such as Lloyd's Register, might create as many evils as a general Government survey, and, besides creating jealousy on the part of other somewhat similar institutions or associations, might be considered contrary to the rules of sound government. But these institutions could be enrolled and licensed, as various other associations now are, and empowered to grant certificates of seaworthiness, which every ship above a certain tonnage would require to produce before she was cleared at the Custom House. Or they might be welded into one great national institution directly controlled by all the various branches of the shipping community in harmony with their sentiments, and alive to the wants and necessities always arising through the growth and development of trade and commerce.

Individuals may do wrong, and, though it may be for their interests to have a good sound ship, there is no denying the fact that ships are sent to sea which

are not seaworthy ; but corporations and associations cannot do wrong with the same impunity. If they did, they would be deprived of their licence, and there would be a check, one against the other, which is not the case with individuals. Or, on the other hand, a great representative institution would be efficiently checked and influenced by public opinion, and the voice of those immediately concerned. Were Government to require these associations to *classify* ships, then I agree with the Commissioners, that it is not its province "to ascertain whether a ship is fit for the conveyance of dry and perishable goods," but, from the debates in Parliament, and numerous articles in the public press, it is clear that many persons are of opinion, that it is the duty of Government to be reasonably satisfied that a ship is *seaworthy* before she proceeds to sea. We exercise this duty in the case of railways, mines, and manufactures of various kinds, and events have shown, however much we may have already done to save life and property at sea, that the exercise of a similar duty, if practicable, is at least worthy of consideration in the case of ships.

As the great bulk of the vessels belonging to the United Kingdom are already classed, the certificate of classification they now hold would suffice as a certificate of seaworthiness. Those which are not now classed in Lloyd's Register, or in any other association, but which belong to the great steam companies, or to very large shipowners, are so well known for their good qualities as not to require classification, and for this reason classification, or, at least, survey for seaworthiness, even if compulsory, could not be a serious hardship to them.



Practically the number of vessels now unclassified is confined to the very good or to the very bad ships. With the owners of the former I should think there would be no difficulty in dealing; they do not class their ships either because they do not care to incur the expense (underwriters being ready to insure them at the lowest current premiums), or because they think they can construct ships, in their own way, superior to those which are built to rules for classification. But such men, while they might protest, and justly so, against being interfered with in a business they more thoroughly understand than any government or private surveyor, and in which they take a laudable pride (for such men are the pillars of our maritime greatness), would, I doubt not, have no objection to an authorised surveyor inspecting their ships, and would readily pay the moderate fee required to cover the cost of a certificate of *seaworthiness*.<sup>1</sup>

<sup>1</sup> In going carefully through the evidence taken before the Royal Commission on Unseaworthy Ships, I cannot find that any witness objects to the principle that no ship should be allowed to proceed to sea that is unseaworthy, nor do I find that any Shipowner would object to a survey of his ship for the purpose of ascertaining her seaworthiness. Indeed, Mr. Charles McIver, of Liverpool, the senior partner of the Cunard Company, and a gentleman of great experience, though he does not class any of his ships for somewhat the same reason as I have stated, considers it advisable that all ships should be *classed*—not merely certified as seaworthy, but *classed*. The Chairman (Question 9245, p. 331) remarked: “You said you would not have any objection to have your vessels classed;” and then he asked, “Do you think it advisable that all ships should be classed?—I think so, from what I have seen in the last two or three years. If you will allow me, I will give another reason. I once got nearly cast away in an unclassified vessel about forty years ago. I was going to the States. She was a wooden vessel. I had taken a passage in her along with my sister, because I knew the captain of the ship. She was loaded with steam-engines and coals. I shall not mention the ports or the owners, because they are all dead

Opinion of  
Mr.  
Charles  
MacIver.

For the information of the general public I may state that there is a very great difference between the highest grades of vessels and those which any surveyor who knew anything about his business would pronounce to be *unseaworthy*. In the case of classed ships, the certificate of classification would suffice ; but, from the owners of ships who do not class, many intelligent persons are of opinion that a certificate of *seaworthiness* should be required. They argue, and with great force, that those persons who do not class their ships, because they will not bear inspection, have no right to imperil the lives of others for their own gain. Life is not a thing of price ; if it were, the rich would live, and the poor would die. And when a Shipowner declines to bear the expense of making his vessel seaworthy, he places in jeopardy the life of the sailor to benefit himself.

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and gone, the captain included. Off the Azores we fell in with a gale of wind. It only lasted for twelve hours ; but, if it had lasted for twenty-four hours, she would have gone down. The captain came to me, and said, ' If I had known that she was as bad as this, I would not have let you come.' He said, ' Her beams are away from the sides.' I said, ' I know that she is making water very rapidly, because it is coming out as clear as it went in,' and they were pumping every two hours, and so forth. Now, I do not mean to say that there may not be culpability in the owner, but, sometimes, it is ignorance. So it was in that case ; they did not believe that the ship was as bad as she was. My remark to the captain was, ' When you go home you had better throw up command of this vessel or you will lose your life.' He did so ; but, in some way or other, he mixed up Mr. McIver's name with it. The owner said, ' Mr. McIver is frightened.' The captain said, ' No, he is not frightened, but he knows too much.' He said, ' I will give up the ship.' Now, to show you that I did not think that there was any intentional culpability on the part of the owner, but simply ignorance, or simply that they could do what I could not do, because I knew too much, they gave that ship to the mate, and sent that vessel away in his charge for a long voyage abroad, and she did it safely. The next voyage she was never heard of. Now, any sort of classing, I think, would have prevented that ship from going to sea."

There are very easy means of ascertaining the seaworthiness of a ship, *when first sent afloat*, already at our disposal, as those of my readers, who are not conversant with this subject, will find by referring to the Appendix,<sup>1</sup> where a history of Lloyd's Register of British and Foreign Shipping will be found. That association has a well-organised and extensive staff of surveyors, through whom, at a very small cost, this fact could be ascertained. My readers will also there see the immense advantage that association has afforded in the improvement of our ships and the power it possesses of rendering still greater public service. But while rivalry amongst associations for classification is unquestionably injurious,<sup>2</sup> it may not be considered advisable that Lloyd's Register alone should issue certificates of seaworthiness. There are other similar associations whose certificates would answer the object in view equally well, and it is for Government to decide (should an attempt be made to carry this principle into practice) what associations shall be empowered to issue the requisite certificates.

Registration Associations.

Lloyd's Register, its great importance.

But while I cannot ignore the principle that no unseaworthy vessel should be allowed to leave our

<sup>1</sup> Appendix No. 12, p. 624.

<sup>2</sup> The writer of a letter which appeared in the 'Nautical Magazine,' headed "'Lloyd's Register' and the Great Steam Lines," and which was afterwards published separately (Pewtress & Co. London. 1872), says, "It is very remarkable that the classing of large steamers with Lloyd's was nearly wholly omitted until 1870;" arising, I may add, from the fact that the 'Liverpool Register' allowed, in such ships, scantlings and arrangements of which Lloyd's surveyors disapproved. "But," continues the same writer a little further on, "it is much more remarkable that February 1870 is the date of Lloyd's new rules, which are, it is supposed, an abandonment of the principle and scantlings of the old rules." We have here exemplified in the most forcible manner the evils of competing classification associations.



ports, I cannot hide from myself the fact that there would be numerous difficulties (but far from insurmountable) in the way of carrying it fully into practice. It might be argued that if the Board of Trade enrolled the associations named, and, more especially, if it took them under its *immediate* control, they would in a few years, instead of being private Institutions, be mere servants of the Board, and, through the Board, of a sensational House of Commons. But that argument may be met by the Shipowners saying to the Board of Trade, "We do not wish to be under your immediate control at all. Why should we not be allowed to manage our own affairs, as all other branches of the community now do,—subject, in our case, as in that of all others, to such enactments only as may be necessary for the public safety? We ought to know our own business a great deal better than any of your surveyors can teach us; and, if we think proper to form ourselves into an association, or associations, to manage our own affairs, and if we do what the country requires, why should we be interfered with by the Government as to the manner in which we think proper to build, equip, and navigate our ships, any more than other traders in the management of their affairs? Enrol us, if we think proper to associate, as you do joint-stock concerns or other associations; let us form a board with members elected by the persons interested, such, for instance, as the Metropolitan Board of Works, to manage our own concerns, with specific rules for the protection of the public, which, if we violate, you will punish us as you would do any other class of the community."



Now, arguments such as these are really unanswerable. Statesmen and others, who have to encounter the harassing difficulties of official life, and who know that all executive power *must* be exercised by a minister, or by individuals responsible to him, and, through him, to the public, might say, "How are we, unless all ships are under our immediate control, to meet questions put to us in the House of Commons, such as, 'Whether such and such a society licensed by Government had the folly and audacity to allow of spring safety-valves, or of boats not fitted with Clifford's Patent?' or how could we justify a licence granted to an association which showed such flagrant disregard of modern inventions and of seamen's lives?" But the reply to all this is that it is *not the province of Government to legislate on such details as these*, any more than it would be to dictate by Act of Parliament, how the details of any other branch of trade or manufacture are to be carried out. The duties of Government have long since been defined, and it is because Government, of recent years, has gone far beyond its duties in the case of Shipowners, that Shipowners complain, and justly complain, against Government for a "meddling and muddling" in matters alike beyond its province and its knowledge.

Reverting to the principle which so many persons now say should be enforced by legislative enactment, the seaworthiness of every ship, there would be great difficulty in carrying that out *by Government*, as seaworthiness is not definable. That is to say, though a vessel may be seaworthy, when launched, (even then it would depend upon the trade in which

she was to be employed), she might not be so at the end of her first voyage, or she might be so for one trade in summer, but not in winter, or with one description of cargo, but not with another; or, in fact, with the same cargo if properly stowed,<sup>1</sup> but not otherwise, and so forth. The details are so numerous that it would be impossible to enter upon them within my limits, and for the same reasons, if the principle is to be carried out, it can only be by the association of competent individuals with the necessary staff under their control, possessing that knowledge which long experience alone can give. I mention these points in case the Legislature consider it necessary to enforce this principle; for, if it is to be carried out, it should be in such a manner as will satisfy the public with the least possible interference with the duties of the Shipowner.<sup>2</sup>

<sup>1</sup> Safety depends much more on the nature of the cargo, and the manner in which it is stowed, than most people, or even some ship-owners, suppose. Dead weight, when stowed close and very low, while it makes a vessel stiff—that is, “stand up” to a heavy pressure of canvas, makes her roll in a calm when there is a heavy swell (like the pendulum of a clock), to the injury of her spars and rigging, and, not unfrequently, to roll her masts overboard. Railway and other bar iron, which is now a very common description of cargo, should always be stowed in a triangular form, and the heavier the bars the wider should be the angles. Ores of every description, on an oversea voyage, should be stowed in a boxed hold, or on platforms in the centre of the ship, thoroughly blocked from the sides. In a word, the proper stowage of a ship, whether as regards her form or the nature of her cargo, is a science which has not been sufficiently studied.

<sup>2</sup> We must ever remember that although, since we relieved our Ship-owners of all the restrictions to which they were subjected by the Navigation Laws, they have advanced above all other nations, the shipping of many of those nations are now running them a very close race. If we burden them with load-lines, which prevent them from carrying as much cargo with safety as a foreign vessel would be allowed to do—half a foot, or even three inches less depth may deprive them of all their profit—or saddle them with charges for surveys and so forth,

In the meantime I must direct the attention of my readers to the unseaworthiness of too many of our seamen, which is of really greater national importance than the unseaworthiness of our ships. However desirable it may be to make certain, if we can, that no unseaworthy ships shall leave our ports, the incompetency, carelessness, and drunkenness of seamen demand much more seriously our attention; and, as all legislative enactments have hitherto failed to raise them to the requisite standard, we ought to direct our attention more earnestly than we have yet done to their *education*. If education is necessary on shore, it is still more so with seamen, and yet we have done, practically, nothing, as a Nation, to assist them in gaining knowledge, and, especially, that description of knowledge required in their calling. Indeed, we have not seriously attempted any great practical scheme for their education or for the amalgamation of the services of the Royal Navy and those of the mercantile marine, which, while invaluable to us as a nation, would tend so much to elevate the social position of that neglected portion of their class, who, not having the good fortune to be enrolled in the Navy or on the lists of the large Shipowners, must seek their daily bread at sea in any ship where employment can be found.

On the contrary, we have, in some respects, pan- Evil effects of advance notes

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already very heavy, and to which their competitors are not subjected, we, in either case, drive them from the trade. We must further, if we adopt the principle of a certificate of seaworthiness, recollect the interests of a great number of small coasters, and carefully consider if it would not *seriously* affect them.

dered to their pernicious habits. For instance, when a clause in the first Government Bill of last Session (1875) was introduced to render advance notes illegal, the House of Commons rejected it. From my own experience I can have no hesitation in stating that the system of advance notes (I do not include the *allotment notes*, which are most useful) tends to lower the character of seamen, promotes intemperance and insubordination, and has been the indirect means of far more disasters at sea than either overladen or otherwise unseaworthy vessels.

Besides, any such system is unknown to any other class of the community. What should we think of a mechanic or house servant who could not enter our service unless we paid him a month's wages in advance? We should have nothing to say to him—1st, because we should not care to trust our money to a person who, on some frivolous excuse, might decline to repay us by his faithful service; and (2ndly) because we should, naturally, consider anyone requiring such an advance an improvident if not a worthless person. These advances must, necessarily, discourage frugality and prudence; while, in the case of seamen, they most assuredly lead, directly, to intemperance and vice. Nor is there any real occasion for making advances in their case. The mechanic or the house servant may have been for some time out of employment, and, as his wages are paid weekly or monthly, he may not have laid by anything; but, in the case of seamen, their wages are paid at the end of the voyage, often in large sums, and by means of savings-banks and money-order offices, specially established for their use, they have every facility afforded them



for retaining their earnings. But they do not. Why? Because the Legislature has encouraged their natural and *proverbially* improvident habits, by acknowledging a system of advance of wages unknown to any other class of workmen, on which advance they depend for an outfit, after too frequently squandering the wages they had earned on a previous voyage.

But I should prefer my readers considering carefully the Report of the Commissioners on this subject instead of my own views, and therefore I do not hesitate to give these conclusions at length,<sup>1</sup> as a large mass of evidence was brought before them. They, as statesmen and philanthropists, had no object in view beyond the national good, and, more especially, the welfare of the seafaring population.

“The evidence before us leads to the conclusion that the system of advance notes is one great obstacle to the amelioration of the condition of merchant seamen. All the witnesses whom we have examined admit that the system is most pernicious, but it is defended on the ground that, without this advance, the sailor could not pay for his lodging on shore, or procure the clothes requisite for him when he joins a ship.”

confirmed  
by the  
opinion of  
the Com-  
mission-  
ers.

“In practice it seems that the advance note is handed over to the lodging-house keeper, not usually in exchange for cash, but in discharge of debts which the sailor has been induced to incur. The lodging-house keeper charges a heavy discount, and the

<sup>1</sup> See ‘Final Report of Royal Commissioners on Unseaworthy Ships,’ p. 15.

sailor is frequently brought on board half-clad and intoxicated.

“Shipowners and captains of merchant ships concur in stating that a large portion of the ship’s crew is very often brought or even lifted on board in a condition of helpless drunkenness, that the vessel must often be detained for twenty-four hours in order that the men may be so far recovered as to be able to get her under weigh, and that there is great risk of life and property at the commencement of the voyage from the consequent inefficiency of the seamen.

“The advance note is not payable until some days after the sailing of the ship; but if the ship then puts back or touches at another port, the seaman often takes the opportunity of making some complaint, in order to get free from his engagement, and will even incur a month’s imprisonment with this object, whilst the Shipowner or the person who has cashed the note loses the money which has been paid in advance.

“It is said that if there were no advance note, the crimp in a foreign or colonial port would not have the same inducement to entice the sailor to desert.

“After careful consideration of the numerous evils attending this mode of prepayment, we recommend that advance notes should be declared illegal, that no payment or order for payment made in advance for wages shall be a discharge for the payment of any portion of a seaman’s wages when due, and that no money paid by a Shipowner to or for a seaman shall be debited to the seaman, except wages already earned, the allotment notes, and the cost of such supplies as the seamen may receive after joining the ship.

“There will be some inconvenience felt at first

from the abolition of the existing system of advance notes, and there will be perhaps considerable opposition to the change in the ports, and amongst the lodging-house keepers, who profit by these notes. We feel, however, convinced that unless this mischievous mode of payment be discontinued, the seamen will never be raised from their servile dependence on crimps, and taught to rely on their own industry and intelligence.”<sup>1</sup>

But there is a question of quite as great importance to which I shall again have occasion to refer when I review the history of our steam companies, and show the remarkably small amount of loss that some of them have sustained through the system and order prevailing on board their vessels. *There we shall see how losses are prevented.* In the meantime, we should do well to inquire how losses are encouraged by allowing policies of insurance to be effected for a greater amount than the value of the ship or the cargo she contains. Over-insurance.

<sup>1</sup> The following graphic description of the state of too many of our ordinary merchant vessels when they sail is so true that I do not hesitate to transfer it to these pages. I do so with the hope that the Legislature may direct its earliest attention to the improvement of the lamentable state of things here described, and with the conviction that the first step towards that improvement would be the abolition of the system of advances to seamen: “The ship is about to leave the dock, when the crew, generally of a very inferior description, are brought on board, and, frequently, in such a state of intoxication that they are worse than useless during that day, and the ship must anchor for the night. Next day the motley crew commence work reluctantly, in a thoroughly strange ship, under strange officers, and are strangers to each other. The chief officer has the unenviable task of getting them into order, not having a man that he can depend upon. Yet it is from that strange crew he must select look-out men, helmsmen, and leadsmen during the ten or twelve hours’ darkness of the following night.”—Extract of letter from Captain H. A. Moriarty, R.N., to the ‘Nautical Magazine’ for November 1875.

Views of  
Mr. T. H.  
Farrer.

A contract of marine insurance is in its essence a contract of indemnity, and the spirit of the contract is violated if the assured can make the occurrence of a loss the means of gain. But the law has allowed a very considerable deviation from this fundamental principle. Mr. T. H. Farrer, in his evidence, happily illustrates this in the case of a ship with a chartered freight, bound from London to Calcutta and back.<sup>1</sup> He supposes her to be lost on her outward passage in the Bay of Biscay. Presuming that the owner only insured her prudently and not exorbitantly, he would recover in this case not merely the value of the ship at the commencement of the voyage, but also the freight of the outward and homeward voyages, while he would be exempted from paying the seamen's wages from the date of the disaster, the expenses necessary to carry his ship to Calcutta, to remain there, and to return on her homeward passage, so that he would be, actually, a very considerable gainer by the loss.<sup>2</sup> Nor is the matter less flagrant in the case of valued policies, when the value of the property is fixed by agreement beforehand between the assured and the underwriter. The effect of this, as the Commissioners justly remark,<sup>3</sup> is, "that unless the policy is altogether void, on account of fraud, or the concealment of a material fact, the assured can, in the case of a total loss, receive the value which has been

<sup>1</sup> My readers should be informed that a premium of insurance on chartered freight out and home is much higher in proportion, than if insured out only, and then, after arrival at port of destination, home only.

<sup>2</sup> Royal Commission on Unseaworthy Ships, Appendix to the Report No. 51, and Questions 11,516 and 13,072.

<sup>3</sup> See 'Final Report,' p. 16.



stated in the policy, however much it may exceed the actual worth of his property." In confirmation of their opinion, they add "that, in certain decided cases, the Shipowner has been allowed to recover 50 and even 100 per cent. more than the actual value of his vessel."

Various witnesses recommended that, in case of a total loss, the underwriter should be allowed to question a valued policy, when he considered that the value had been overstated; but many Shipowners and underwriters objected to this proposal, contending that, where a value had been agreed on between the Shipowners and underwriter, subsequent interference would be mischievous or futile, as it might induce Shipowners to insure abroad. It was contended that the value of a ship might depend on a variety of circumstances; for instance, the loss of a steamer to a Shipowner, about to start a new line of steam communication, would be inadequately replaced by the cost of the vessel, though estimated values of this sort are very problematical.

Evidence  
of other  
witnesses.

As regards insurance of freight, it was further suggested that the Shipowner should not, in case of total loss, be entitled to recover his freight, without deducting the expense saved to him by reason of the loss of the vessel. On the other hand, it was alleged that the necessity of estimating these uninsured expenses would give rise to doubt, difficulty, and litigation, and that, if the suggestion were adopted, the Shipowner would be to a great extent deprived of the legitimate advantage he now enjoys of being able to obtain with facility an advance on his freight.

After carefully considering all these matters, the

Opinion  
of the  
Commis-  
sioners.

Commissioners arrived at the conclusion that they ought not to recommend any alteration of the law with regard to valued policies in cases of total loss, as there were weighty reasons against any interference on the part of the Legislature with contracts made by persons capable of taking care of their own interests, without carefully ascertaining the effect this interference was likely to produce on the entire system of law relating to such contracts. But they were of opinion that the "whole system of insurance law requires complete revision, for not only does it allow the assured, in some cases, to recover more than the amount of the loss actually sustained by him, but it also, on the other hand, deprives him of an indemnity in cases in which he ought to be protected by his insurance."

The Commissioners, however, with great force, remark, that "a complete and thorough revision of our laws relating to marine insurance is a task of equal importance, difficulty, and delicacy, requiring evidence of an extensive character, and necessitating a very lengthy and careful investigation, and it touches directly on so many subjects unconnected with the security of life at sea, on which it has only an indirect and somewhat remote bearing, that we do not think it properly falls within the scope of our commission. We should also have been reluctant to undertake the complete revision of our system of marine insurance law, because, for many reasons, it appears to us to be important that, before such a task is undertaken, an attempt should be made to induce foreign nations to concur with us in framing and adopting a general code of insurance law. To alter

the English law of marine insurance to any considerable extent, might have the effect of throwing the business of insurance into the hands of foreigners, and there is so much insurance of foreign property in England, as well as of English property abroad, that it is most desirable that the law of insurance should, as far as possible, be the same among all commercial nations. An examination of the foreign codes leads us to hope that there would be found no insuperable difficulty in the way of attaining this important object."

Although the Commissioners do not at present recommend any alteration to be made in the law relating to valued policies, they think that the Shipowner should not be able to recover his insurance, whether under a time or voyage policy, in cases where it is shown that he or his agent had not done everything reasonably within their power to make and maintain the ship in a seaworthy condition, where that unseaworthiness occasioned the loss. They further consider that the Shipowner's liability for damage to property or person should be unlimited in cases involving the death of the seaman or the damage to person or property. They are also of opinion that the present system by which insurance cases are tried before a judge and jury is altogether unsatisfactory, as a single judge and two assessors would constitute a far better tribunal. In conclusion, they recommend that the Marine Department of the Board should be revised and strengthened by having a legal adviser exclusively attached to it (a recommendation which has been since carried out). "It will," they remark, "be the duty of the Board

of Trade to check the negligent and to punish the culpable shipowner, but it is desirable that these functions should be performed without harassing the great body of Shipowners, who, by their ability and indefatigable energy, have contributed to the prosperity of the empire."

I have now endeavoured to give as succinct an account of the whole course of the maritime legislation of the British Empire and its effects upon ships, seamen, and commerce as my space will permit, from the earliest period up to the close of the year 1875. Although it is not the province of an historian to enter upon controversial questions, much less to dive into the future, yet history is of little value unless we can gain knowledge from the past which can be made useful hereafter. I may therefore be permitted to close this volume with a few remarks on the subject of further maritime legislation, especially as the subject is one to which an unusual amount of public attention has been devoted during the last two or three years, and as it has been, officially, announced that it will be again dealt with by Government in the ensuing Session of Parliament.

Too much  
legislation  
already.

Shipowners say that there is far too much legislation already, and I certainly agree with them; but when they charge the Government as they do, and especially the Board of Trade, or rather Mr. T. H. Farrer, as its permanent Secretary, with forcing all this over-legislation upon them, I must remind them of the facts. What Government did, and did wisely and well, as I have endeavoured to show, was to frame such mercantile marine laws as had become essential after the repeal of the Navigation Laws.



The laws then passed have, unquestionably, been of great service, not merely to the nation, but to Shipowners themselves. Having completed all that was considered necessary, Government directed its attention to the amendment, as cases for its necessity arose, and to the consolidation of existing laws; and I can, of my own knowledge, state that Mr. Farrer has, since then, opposed all further legislation which had for its object the interference with the details of a Shipowner's duty. But the House of Commons would not allow Government to rest with its good work. "Independent members" of that House, actuated by various motives, some of them not very clearly defined, commenced to "amend" (?) in their own way, these laws (see Hansard's 'Reports of Parliamentary Proceedings'), by proposing numerous fresh clauses and fresh Bills which, if Government had not resisted, would most likely have doubled the existing number of the mercantile marine statutes. They next commenced to introduce Bills of their own, to teach Shipowners how to construct and equip their vessels. Among the first of these measures was the Act to test chains and anchors, introduced by Sir J. D. H. Elphinstone and the late Mr. John Laird. So far from that Bill receiving the approval of Government, when I moved its rejection,<sup>1</sup> I was strongly supported by Mr. Milner Gibson, the then President of the Board of Trade. We were, however, defeated, and the Bill passed and became law.

Encouraged by this success, other independent members followed, and, since then, most of the measures connected with the mercantile marine of

<sup>1</sup> See *ante*, p. 318, note, and p. 480.

this country have been forced upon Government either by Bills introduced by individual members, or by questions asked, or by deputations from interested constituencies, or "philanthropists," who, however good in their intentions, are, too frequently, mischievously ignorant of the subjects they force upon the attention of Parliament. No one of my readers conversant with these matters can say that the Bills of the last three or four years, except so far as necessary amendments, were Government measures. They were nearly all forced upon the executive, while the only real and valuable measure of Government, the consolidation and codification of existing laws, has been, Session after Session, rejected, or, at least, "shunted" aside by the House of Commons.

For more than two centuries we attempted to regulate our maritime commerce by means of the Navigation Laws and their innumerable additions and amendments, the fallacy of which I have endeavoured in these volumes to expose; yet we are now following the same course our forefathers adopted by attempting, by means of a library of Mercantile Marine Laws, to regulate the details of the business of our Shipowners. Commerce, in all its branches, flourishes most when left alone. Leave our Shipowners alone, except when they do wrong. Leave them to manage their own affairs in such a manner as they consider most conducive to their own interests, and we may rest assured that, if they have a fair and free field and no special favours, they will maintain, against all nations, the maritime supremacy of England.

My advice, therefore, to the House of Commons,

if an old member may venture to give it, would be to do nothing next Session in the way of fresh legislation, but to confine itself to necessary amendments, and to the codification of existing laws, so that Ship-owners may have one law for their guidance; at present they are bewildered by the numerous fragmentary laws now in force. But, in addition to whatever reorganisation and changes may be found necessary, increased facilities would still seem requisite for the immediate payment of seamen's wages on their discharge; and, though the mode of inquiry into the causes of the loss of life and property at sea has already been altered, greater rigour is still demanded for such inquiries, and more prompt means of detecting and punishing persons who ignorantly or negligently lose the vessels in which they serve. In cases of wilful loss, which I hope and believe are of rare occurrence, the law cannot be too prompt, too stringent, nor too severe. A man who *wilfully* loses his ship, I rank without hesitation with the "villain and the murderer."

Necessity  
of a Mer-  
cantile  
Marine  
Code,

Nor should I have much more mercy on the Ship-owner who recklessly loses his ship, or who is accessory to her loss; and I should subject to punishment, though in a different and more modified form, any Shipowner who, either ignorantly or negligently, sends his ship to sea in an unseaworthy state. In these matters, the law is still open to improvement, both as regards greater facilities for the discovery of crime and its prompt punishment, arising, as this does, in no small degree, from its too complex character.

and of  
more  
prompt  
punish-  
ment in  
criminal  
cases.

Although the Shipowner is now made liable for

criminal neglect, and cannot, by contract, relieve himself from this liability, such neglect is difficult of proof, and a jury deciding against a Shipowner on a question of damages, may, often, hesitate to make him criminally responsible. If it were possible to enforce this liability in all cases where guilty; if every Shipowner were made to feel that the proper construction, equipment, loading, manning, and navigation of his ship were matters to which it was his duty to attend, and if these duties were enforced, it would produce much more salutary effects in the way of saving life and property at sea than any Government surveys with a legion of inspectors at their back: each one of these relieves the Shipowner from a duty which belongs to him alone, and relieves, or, at the least, might relieve, him from a part of his responsibility; for if, as in the case of compulsory pilotage, a Shipowner is relieved from responsibility in case of accident, he cannot, in common justice, be held criminally liable when he has acted in conformity with such laws as have been passed for his guidance and control.

Whether it would be possible, as has been recommended, to establish by positive enactment an absolute and indefeasible obligation on the part of every Shipowner to his shippers, passengers, and underwriters, that he and the agents to whom he trusts his ships, shall do all in their power to make and *keep* his ship seaworthy, is a problem I am not, at present, prepared to solve; moreover, it raises numerous questions of great difficulty and delicacy.

Some amendments may be, also, required in the tonnage and measurement law, which, though, as I



have already explained, now a vast improvement on any previous law, still presents features of hardship alike on Shipowners and seamen, as, in the case of the latter, frequent instances occur where the law is evaded by the stowage of cargo or stores in spaces appointed by the present Act for the accommodation of the crew.

Such are the leading measures which may still require the attention of the Legislature ; but, before closing my remarks, I desire my readers to recollect the existence of a Merchant Shipping Code, which has not yet become law. It embraces all the laws relating to Merchant Shipping, and if the First Minister would take up this Bill and amend it in detail, he would not merely confer a boon on the largest shipping community the world has ever seen, but one by which his name would be long remembered.

If the Legislature did nothing else during the ensuing Session, it would be a Session well spent : ten clear sittings<sup>1</sup> would, however, suffice, if there was a determination on both sides of the House to allow no party spirit to interfere. Nor should any such feeling be displayed, for the questions now to be considered are almost wholly of an executive and not of a political character ; while all the materials are now ready, the lengthened inquiries and discussions to which almost every point except insurance (and on this there must be further inquiry before there is any legislation) has been already subjected, render further discussion, in a great measure, unnecessary.

<sup>1</sup> See *ante*, p. 321. The Merchant Shipping Act of 1854, which is quite as large as the Merchant Shipping Code Bill, now ready, passed through Committee in one forenoon sitting.

Conclud-  
ing re-  
marks on  
the extra-  
ordinary  
progress of  
British  
shipping.

I have endeavoured to show how much progress has been made during the last quarter of a century—a progress eminently due to the repeal of our Navigation Laws and to many of the earlier measures of the Board of Trade, in confirmation of which I may point to the magnificent ships now produced, to the enormous extent of our mercantile fleets,<sup>1</sup> as compared with those of all other nations, and to the superiority of our officers to what they were before the repeal of the Navigation Laws.

There is, nevertheless, a wide and noble field in which the statesman might employ his power and genius to great advantage, and earn for himself an imperishable name. The means are now in a great measure at his disposal. But he must decide between two principles. He must not, on the one hand, give way to the question of sentiment or to the popular cry that merchant ships and their cargoes shall be under Government survey, and, at the same time, hold Shipowners responsible for acts which legislation has placed beyond their control. If he adopts the former course, he must double or treble the existing staff of officials; but I venture to warn him that, in so doing, he will place a canker-worm at the root of

1

Years.	Ships belonging to the British Empire at the end of each Year, 1850 to 1874 inclusive.		British Steam Vessels Entered and Cleared in the Foreign Trade in the United Kingdom, 1850 to 1874 inclusive.	
	Number.	Tons.	Number.	Tons.
1850	34,281	4,232,962	8,350	1,802,955
1852	34,402	4,424,392	7,059	1,980,473
1860	38,501	5,710,968	12,777	4,186,620
1862	39,427	6,041,358	15,201	5,233,493
1870	37,587	7,149,134	29,369	13,341,058
1872	36,804	7,213,829	35,570	17,410,029
1873	36,825	7,294,230	37,175	18,943,653
1874	36,935	7,533,492	37,606	19,408,527

our maritime greatness, which will as surely destroy the mighty fabric we have raised by individual genius, energy, and skill, as ever did the "dry rot" in our wooden ships of war and commerce.

Seeing what our Shipowners have already accomplished, he might to advantage afford them facilities for *self-government*. The means, as I have shown, are already at his disposal. We have Lloyd's Register, with its large staff of competent surveyors ready to aid, at our disposal, as also a similar association in Liverpool. We have mercantile marine boards, elected by popular constituencies, at all the leading seaports in the kingdom, under whose supervision the shipping officers are now placed, as well as the examination of all masters and mates. Leave them as they are; but, as I understand that these boards are not overburdened by the duties now devolving on them, could not their duties in relation to the crews be extended and some arrangement be made whereby these different institutions, formed into one, two, or more central and district boards, might perform all the work of detail now required by Parliament? By some such amalgamation everything the country requires could be done more economically and efficiently than at present.

Lloyd's Registry now tests all anchors and chains as required by Parliament, without any disturbance of their functions or the work for which they were originally constituted, the voluntary classification of ships. Why should we not place in their hands such duties connected with the ship herself as the regulation of load-lines, certification of seaworthiness, if found expedient, and the supervision of all matters

of detail which Parliament may consider necessary, in the construction, equipment, loading, and navigation of our ships? All these matters would be much better done by a popularly elected board chosen from merchant Shipowners and underwriters than by any Department of the Government. In their hands might be safely placed the appointment of surveyors: one Department of this new Board attending to the hull of the ship, the other to her navigation, as at present; all these matters being subject, of course, to such regulations as Parliament might consider it expedient to impose, and represented in Parliament by the President of the Board of Trade, or, in lieu thereof, by a Secretary of State for Commerce, should that be desirable.

I merely throw out these remarks for consideration, being aware that many obstacles, though few real difficulties, would require to be overcome in carrying out some such re-organisation as I venture to suggest. But whatever changes Ministers may consider most expedient to adopt, they must not lightly tamper with the merchant fleets which the skill and genius of our people have created, or with the position they have achieved since relieved from those legislative enactments, by which they were bound for more than two centuries. These fleets are now the largest, and unquestionably the finest, in the world, and instead of foreigners overstocking our own ports as was prophesied, we now conduct the greater portion of the maritime commerce of foreign nations.<sup>1</sup> It is, therefore, no idle boast to say, that

<sup>1</sup> See Appendix No. 14, p. 637. Tonnage entered and cleared in the United Kingdom, United States, France, Holland, Norway, Prussia, and Sweden, distinguishing between national and foreign ships from 1850 to 1873.



while the sun never sets on the dominions of our Queen, there is no ocean, no sea, and, I might add, were it not for the exclusive policy of the United States and of France, with a few other insignificant exceptions, no lake, no river, where the British flag is not unfurled, and where it does not shed its civilising and beneficial influence, over many peoples of varied tongues, who might otherwise still be living in darkness, if not in barbarism.

It behoves, therefore, our Statesmen to take care how they deal with this great interest—made great by the freedom of our laws and by the energy of our people; and, whatever further legislation may be necessary, it is seriously to be hoped that Government will confine its measures to their legitimate object; viz. the clear definition of the legal duties and responsibilities of Shipowners, the maintenance of lighthouses, buoys and beacons on our coasts, the general regulations necessary for the proper conduct of maritime commerce, the investigation into the true cause of all accidents at sea, and the prompt punishment of all persons who wrongfully and wilfully violate the law.



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## APPENDICES.

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### APPENDIX No. 1.

*Convention of Commerce between his Britannic Majesty and the most Christian King, together with two additional Articles annexed, signed at London, 26th January, 1826.*

ARTICLE 1.—French vessels coming from or departing for the ports of France, or if in ballast, coming from or departing from any place, shall not be subject in the ports of the United Kingdom, either on entering into or departing from the same, to any higher duties of tonnage, harbour, lighthouse, pilotage, quarantine, or other similar or corresponding duties, of whatever nature, or under whatever denomination, than those to which British vessels, in respect of the same voyages, are or may be subject, on entering into or departing from such ports; and, reciprocally, from and after the same period, British vessels coming from or departing for the ports of the United Kingdom, or if in ballast, coming from or departing for any place, shall not be subject, in the ports of France, either in entering into or departing from the same, to any higher duties of tonnage, harbour, lighthouse, pilotage, quarantine, or other similar or corresponding duties, of whatever nature, or under whatever denomination, than those to which French vessels, in respect of the same voyages, are or may be subject on entering into or departing from such ports, whether such duties are collected separately or are consolidated in one and the same duty, his most Christian Majesty reserving to himself to regulate the amount of such duty or duties in France, according to the rate at which they are or may be esta-

blished in the United Kingdom, at the same time, with a view of diminishing the burdens imposed upon the navigation of the two countries. His most Christian Majesty will always be disposed to reduce the amount of the said burdens in France in proportion to any reduction which may hereafter be made of those now levied in the ports of the United Kingdom.

2. Goods which can or may be legally imported into the ports of the United Kingdom from the ports of France, if so imported in French vessels, shall be subject to no higher duties than if imported in British vessels; and, reciprocally, which can or may be legally imported into the ports of France from the ports of the United Kingdom, if so imported in British vessels, shall be subject to no higher duties than if imported in French vessels. The produce of Asia, Africa, and America, not being allowed to be imported from the said countries, nor from any other in French vessels, nor from France in French, British, or any other vessels into the ports of the United Kingdom for home consumption, but only for warehousing and re-exportation, his most Christian Majesty reserves to himself to direct that in like manner the produce of Asia, Africa, and America shall not be imported from the said countries, nor from any other, in British vessels, nor from the United Kingdom in British, French, or any other vessels into the ports of France for the consumption of that kingdom, but only for warehousing and re-exportation.

With regard to the productions of the countries of Europe, it is understood between the high contracting parties that such productions shall not be imported in British ships into France for the consumption of that kingdom, unless such ships shall have been laden therewith in some port of the United Kingdom; that his Britannic Majesty may adopt, if he shall think fit, some corresponding restrictive measure with regard to the productions of the countries of Europe imported into the ports of the United Kingdom in French vessels, the high contracting parties reserving to themselves the power of making by mutual consent such relaxation in the strict execution of the present article as they may think useful to the respective interests of the two countries upon the principle of mutual concessions, affording each to the other reciprocal or equivalent advantages.

3. All goods which can or may be legally exported from the ports of either of the two countries shall on their export pay the same duties of exportation, whether the exportation of such goods be made in British or French vessels, provided the said

vessels proceed, respectively, direct from the ports of the one country to the other. And all the said goods so exported in British or French vessels shall be reciprocally entitled to the same bounties, drawbacks, and other allowances of the same nature which are granted by the regulations of each country respectively.

4. It is mutually agreed between the high contracting parties that in the intercourse of navigation between the two countries the vessels of any third power shall in no case obtain more favourable conditions than those stipulated in the present convention in favour of British and French vessels.

5. The fishing-boats of either of the two countries which may be forced by stress of weather to seek shelter in the ports or on the coast of the other country shall not be subject to any duties or port charges of any description whatever; provided the said boats when so driven in by stress of weather shall not discharge or receive on board any cargo, or portion of cargo, in the ports or on the parts of the coast where they shall have sought shelter.

6. It is agreed that the provisions of the present convention between the high contracting parties shall be reciprocally extended and in force in all the possessions subject to their respective dominions in Europe.

7. The present convention shall be in force for a term of ten years from the 5th April of the present year; and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate its operation; each of the high contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years, and it is agreed between them that at the end of twelve months' extension agreed on both sides this convention and all the stipulations thereof shall cease and determine.

8. The present convention shall be ratified, and the ratifications shall be exchanged in London within the space of one month, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Lóndon on 26th day of January, 1826.

GEORGE CANNING.

LE PRINCE DE POLIGNAC.

WILLIAM HUSKISSON.

*Additional Articles.*

ARTICLE 1.—French vessels shall be allowed to sail from any port whatever of the countries under the dominion of his most Christian Majesty, to all the colonies of the United Kingdom (except those possessed by the East India Company) and to import into the said colonies all kinds of merchandise (being productions the growth or manufacture of France) with the exception of such as are prohibited to be imported into the said colonies, or are permitted to be imported only from countries under the British dominion; and the said French vessels, as well as the merchandise imported in the same, shall not be subject in the colonies of the United Kingdom to other or higher duties than those to which British vessels may be subject, or importing the same merchandise from any foreign country, or which are imposed on the merchandise itself.

2. French vessels shall be allowed to export from all the colonies of the United Kingdom (except those of East India Company) all kinds of merchandise which are not prohibited to be exported from such colonies in vessels other than those of Great Britain; and the said vessels, as well as the merchandise exported in the same, shall not be subject to other or higher duties than those to which British vessels may be subject on exporting the said merchandise, or which are imposed on the merchandise itself, and they shall be entitled to the same bounties, drawbacks, and other allowances of the same nature to which British vessels would be entitled on such exportation. These two additional articles shall have the same force and validity as if they were inserted word for word in the convention signed this day. They shall be ratified, and the ratifications shall be exchanged at the same time.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, 26th January, 1826.

GEORGE CANNING.

LE PRINCE DE POLIGNAC.

WILLIAM HUSKISSON.

A Treasury letter, dated 28th March, 1826, directs that French vessels and their cargoes legally imported or exported on board the same, according to the terms of the convention in the pre-



ceding pages, are from 5th April, 1826, to be charged with such and like duties only of whatever kind they may be that are charged on British vessels and similar cargoes laden on board thereof; and in like manner the same bounties, drawbacks, and allowances are to be paid on articles exported in French vessels that are paid, granted, or allowed on similar articles exported in British vessels. And the necessary instructions are to be transmitted to the officers in the colonies for carrying into effect the stipulations contained in the two additional articles of the said convention respecting French vessels and their cargoes from 1st October, 1826.

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## APPENDIX No. 2.

MY LORD,

Boston, United States,  
21st September, 1860.

Mr. Hammond was good enough to read to me a letter which Lord John Russell had addressed to your Lordship on the subject of my visit to the United States. As reports have been current since then that my visit to this country was one of a semi-official character, I may remark that I am here merely in search of a little recreation after the labours of the session. But as I am intimate with many of the leading Shipowners and merchants of this country, Lord John Russell was pleased to furnish me with copies of the correspondence which had passed between our own Government and that of the United States with regard to various maritime questions (to which, as your Lordship may be aware, my attention has for some years been directed), in the hope that I might be able to aid your Lordship in their settlement.

These papers I have studied on the passage to this place. I see they deal with questions of very considerable importance to both countries; but there are also others which equally impede our commercial intercourse, and all these various questions are well worthy of consideration, and should be adjusted as soon as possible. They are:—

- 1st. The rules of the road at sea and collisions.
- 2nd. Signal lights.
- 3rd. Limitation of Shipowners' liability.
- 4th. The Foreign Deserter's Act.
- 5th. The punishment of offences committed on the high seas.

6th. The settlement of disputes between the masters of ships and their crews in foreign ports ; and the extension of the use of our shipping offices to the vessels of the United States.

There are, besides these questions, others of a much more difficult and delicate character, such as belligerent rights of sea, the coasting trade of the United States, and the registration in America of British-built ships, all of great political as well as commercial importance, and therefore I fear my services in their solution can be of little value. It is, however, my intention to enter into conversation bearing upon all these questions with the leading merchants and Shipowners to whom I am known ; and with the Presidents of the Chambers of Commerce of this and other places, including New York, Philadelphia, Baltimore, Portland, and various seaports in the New England States to whom I have letters of introduction. I shall at least ascertain their views, and may thus be enabled to pave the way to the settlement of some of those questions. And if I find that their views can be brought into harmony with those entertained by our own Government, I shall endeavour to prevail upon the different bodies to memorialise their Government on the subject.

My first, and I fear imperfect, impressions in regard to the questions I have named may be briefly stated as follows :—

1st. *The rules of the road at sea.*—I think these rules should be the same for the vessels of all nations. Different opinions prevail in regard to our own rules ; but, though they differ from the old maritime law (acted upon by almost every other nation and at times by ourselves), and are an improvement upon it, the decisions in our Admiralty Courts are too often conflicting. Our rules, as a whole, are perhaps, however, more satisfactory than those of any other. But be that as it may, it would be most desirable if all nations would agree to adopt one and the same rule of road at sea, and would tend greatly to the safety of life and property.

2nd. *Signal lights.*—Our recent regulations in regard to lights have answered very well, and have been adopted by the owners of steam-vessels belonging to the United States. The application of these rules to sailing vessels is all that is now necessary, and is very desirable.

3rd. *The limitation of shipowners' liability.*—This is a question of great importance, and the laws in regard to it are in an unsatisfactory state. May I refer your Lordship to the evidence taken last session before the select committee on merchant

shipping on this subject, and to their report? From the correspondence I have read I think the Government of the United States might be induced to adopt the principles laid down in that report. If so, it might then (as the laws of each country are similar) be mutually arranged by a convention, or otherwise, to place our ships and those of the United States respectively, on an equal footing with regard to claims raised in the courts of either country in respect of any loss of life or personal injury arising from collisions at sea, so as to limit such claims to the same extent in each case, and also that the mode of procedure shall be as provided by the laws of the country where the claim is made.

4th. *The application of our Foreign Deserter's Act to the ships of the United States.*—As your Lordship is aware, the United States Government has positively declined to become a party to this Act, because it contains the words “not being slaves,” which were inserted, I believe, after the Bill was introduced. Now it appears to me that there is no necessity for these words. The Act is meant to deal solely with voluntary agents, who, having of their own free will entered into an agreement, break it at foreign ports. I think the case would be met if instead of the words “not being slaves” there were substituted the following words—“seamen who have voluntarily engaged themselves in, or apprentices duly indentured to, the sea service.” I question if there are any cases on record where slaves have been shipped *as seamen* to English ports.

5th. *Offences committed on the high seas.*—Your Lordship cannot fail to be aware of the unsatisfactory state of the law in regard to these offences. Why, *on the representation of the ministers or consuls*, should the courts of England and of the United States not have jurisdiction over offences committed on board of vessels of the respective countries? I ask this question because I can at present see no objection to the principle I have ventured to lay down, though the mode of putting it into practice would require some consideration, and could best be dealt with by the legal authorities of the two countries. The same may be said with regard to the settlement of disputes between masters and crews in the ports of either country.

6th. *The extension of our shipping offices to the vessels of the United States.*—If the Government of the United States would not agree to establish similar offices and a machinery somewhat in accordance with our own (I see no reason why such offices which



have answered so well in England should not be adopted), then we might stipulate that all British seamen entering the service of American Shipowners in the ports of Great Britain should be engaged before our shipping masters, and we might grant to American shipowners the privilege of engaging *all* the seamen their vessels required (when in any of the ports of Great Britain), through the medium of our offices, on the same conditions as our own shipowners now engage their seamen. This would pave the way to an international arrangement, and tend to abolish the system of crimpage which still prevails to a great extent in our ports, and is alike injurious to the interests of British and American shipowners.

Though belligerent rights, the coasting trade, and the admission of British-built ships to American registration are difficult questions for me to deal with, involving as they do the policy of the respective nations bearing upon other interests than those of commerce, I may remark that it is easy of proof in regard to the two latter that the policy of the United States, while it is unjust towards England, is injurious to the people of America, and contrary to the principles laid down by their own most eminent statesmen in their intercourse with other countries. Nevertheless, I fear the Government of the United States will not be disposed to make concessions unless we are prepared to make a *bargain* with them. With that object in view, I think if we agreed to relieve the shipowners of the United States from the charge of light dues on our coast (which have been the source of great complaint), and also from compulsory pilotage as recommended in the merchant shipping report; provided they opened to us the trade between their eastern and western ports, *viâ* Panama and round Cape Horn, if not prepared to throw open entirely their coasting trade, some progress might be made. The Government of the United States might also be induced to make some concession with regard to the registration of British-built ships, for through the want of *iron screw* vessels (which cannot be produced at as moderate a price in the States) they are fast losing the most valuable portion of the trade between England and this country. And their coasting trade (especially that on the inland lakes) is not developed to one-half the extent it would be if the Shipowners of America were allowed to own the description of vessels I have named. They are also losing the share they once had of the Newfoundland fisheries from the fact that we can produce in the colonies



vessels adapted for that trade at 25 per cent. less cost than they can build and equip similar vessels.

I daresay your Lordship can form little idea of the hindrance to commerce and the constant irritation the questions I have named create on both sides of the Atlantic; and I hope by holding intercourse with the people of this country to pave the way, as I have said, for the settlement of at least *some of them*. With that object I shall take notes of the opinions entertained by the members of the different Chambers of Commerce and Boards of Trade throughout this country, and also the views of those members of the government whom I may meet, and which I shall forward to your Lordship, and if you think any satisfactory results are likely to follow, you may then deem it desirable to communicate with Lord John Russell, with a view of entering into formal negotiations with the Government of the United States. I have for many years anxiously desired to see settled these various questions, considering their settlement of great importance to both countries; and if I can, in the way I propose, aid your Lordship in this good work, my long promised visit to this country, though made with no such object, will not be made in vain.

I am, my Lord,  
Your faithful and obedient servant,  
(Signed) W. S. LINDSAY.

To His Excellency LORD LYONS,  
H. B. Majesty's Minister,  
&c. &c. &c.,  
Washington.

## APPENDIX No. 3.

SIR,

Foreign Office, 21st September, 1866.

I am directed by Lord Stanley to acknowledge the receipt of your letter of the 31st ultimo, in which you call his Lordship's attention to the state of relations existing between this country and the United States with regard to the Navigation Laws; and in expressing to you Lord Stanley's thanks for this further communication, I am to inform you that the same has been re-

ferred to the Board of Trade, whose observations thereupon will be communicated to you as soon as their answer shall have been received ; and the delay in receiving their report is the reason for your letter not having been sooner acknowledged.

I am, Sir, your most obedient humble servant,

E. C. EGERTON.

To W. S. LINDSAY, Esq.,

*Manor House, Shepperton.*

SIR,

Foreign Office, 26th September, 1866.

With reference to my letter of the 21st instant, I am directed by Lord Stanley to state to you that his Lordship is fully alive to the importance of the points on which you have urged that a satisfactory understanding is desirable with the United States, but that since the date of your letter to Lord Lyons of the 21st of September, 1860, the first two of the seven questions enumerated in it have been settled by the adoption of one uniform system of rules of the road, and of lights to be carried at sea by maritime nations generally, including the United States.

As regards the third question, viz., the limitation of ship-owners' liability, the Lords of Trade have pointed out to Lord Stanley that the law of this country has undergone some modification since 1860. By the Merchant Shipping Acts Amendment Act, 1862, the limit of such liability was readjusted, and the limitation was extended to foreign ships in cases arising in British courts concerning matters within their jurisdiction.

Inasmuch, however, as this extension was not made specially for the benefit of foreigners, but with the view of establishing a just and uniform rule of law, no steps were taken to secure reciprocal legislation in foreign countries.

If the law at present in force in the United States is liable to the same objection as the law formerly in force in this country, and is found to be attended with the inconveniences which were experienced here, it may be presumed that the United States Government will probably find it for their interest to amend it in a similar sense and on similar grounds ; but Lord Stanley sees no reason at present for opening special communications with that Government on the subject.

With respect to the remaining four questions alluded to in

your letter, I am to state to you that the matters to which they relate are under consideration.

I am, Sir, your most obedient, humble servant,

E. C. EGERTON.

To W. S. LINDSAY, Esq.,

*Manor House, Shepperton.*

MY LORD,

Manor House, Shepperton, Middlesex,  
29th September, 1866.

I have to acknowledge receipt of your letters of 21st and 26th inst., and I am glad to learn that two of the questions to which I ventured to direct your Lordship's attention have, since 1860, been settled in a satisfactory manner.

As regards the third, viz., the limitation of shipowners' liability, may I trouble you with an extract herewith\* from the

\* Extract from the 'New York Herald' of 10th October, 1860:—

“MARITIME RELATIONS.”

“Remarks of Mr. W. S. Lindsay, M.P., at the Chamber of Commerce meeting, Tuesday evening, 9th October.

“Mr. Lindsay said : . . . . With these preliminary remarks, allow me to state to you the objects which I have in view in meeting you this evening. I will speak first in reference to the liability of Shipowners, because that, perhaps, is one of the most important questions, and one which I think is not sufficiently understood. I do not think that it is generally known how the Shipowners of both countries stand with regard to each other on this question. As our respective laws now stand, any Shipowner of this country or of England, however wealthy, may rise any morning and find himself a ruined man. That is a serious thing to consider. The law of England limits the responsibility of our Shipowners to the value of the ship and freight. In most other countries of Europe the responsibility of the Shipowners is also limited to a similar extent. That is likewise the law in this country, as far as I understand your law. That is to say, if one of your ships runs down another at sea, and you pay into your courts the value of the ship and freight, your responsibility cannot be carried beyond that value. Now this is very good so far as the laws of the respective countries stand. But if my ship runs down another ship in which any American subject is interested, I am made responsible, in your courts, not merely for the value of my ship and freight, but for whatever amount of damage may have been sustained through the collision brought about by my ship. Therefore if my ship runs down a vessel with cargo and freight on board to the extent of 200,000*l.* sterling, I would be responsible for the whole. If, on the other hand, your ships at sea run down any other ship in which a British subject is interested, and the action for less is raised in our courts, you are held responsible for the full amount of the damage which your

'New York Herald' of 10th October, 1860, as the question is therein, I think, correctly stated. Since then I am aware that there has been an amendment in our law relating to the liability of Shipowners; but it would appear from the communication you have received from the Lords of Trade that while we have extended the limitation to foreign ships in cases arising in British courts, we have overlooked altogether the still more important part of the question so far as this country is concerned, and that is the unlimited liability of British shipowners in cases arising in foreign courts. If such is the fact, then we, I fear, have neglected a favourable opportunity of inviting foreign nations to place our ships in their courts on the same terms as we had placed their ships when thrown into our courts. Had we done so, I think the Government of the United States would have readily met us in so just and reasonable a request.

Considering, then, the position in which British shipowners would be placed if an action was raised against them in foreign courts for the recovery of claims arising through a collision at sea, your Lordship will perceive that this is not a question in which foreigners alone are interested, for we have given them all they asked in our courts, but one which deeply affects the interests of British subjects, and which, now more than ever, requires adjustment by special communication with the United States and those other countries where the responsibility of British shipowners is still unlimited. Since we have conceded all they require, it may be found more difficult now to obtain the necessary alterations in their law than it would have been at the time to which my previous communications referred; but I daresay that when the justice of our claim is represented, steps will still be taken to grant in their courts the same limitation of responsibility to our Shipowners as we have granted to their Shipowners in our courts.

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ship caused. This arises from the fact that our laws have jurisdiction only over British ships, and your laws have jurisdiction over only American ships. Now, considering the vast trade which is carried on between the two countries, I hope you may agree with me in the opinion, that as the laws of both countries are similar, the Shipowner's liability in the courts of either country should in all cases be limited to the value of the ship and freight. I hope you will use your influence to extend that limitation to the vessels of both countries, which might easily be done by a convention between the two nations. . . ."



I am gratified to learn that the other questions are under consideration, and

I remain, my Lord,

Your most obedient humble servant,

W. S. LINDSAY.

To the Right Hon. Lord STANLEY, M.P.,  
*Secretary of State for Foreign Affairs,*  
 &c.      &c.      &c.

SIR,

Foreign Office, 3rd October, 1866.

I am directed, by Lord Stanley, to acknowledge the receipt of your letter and its inclosure of the 29th ultimo, respecting the liability of British shipowners in suits arising in foreign courts out of collisions at sea; and I am to acquaint you in reply, that Lord Stanley will not fail to give this question due consideration, and will communicate with you further on the subject after he has consulted the Lords of the Committee of Privy Council for Trade.

I am, Sir, your most obedient humble servant,

E. C. EGERTON.

To W. S. LINDSAY, Esq.

SIR,

Foreign Office, 14th November, 1866.

With reference to your letter of the 29th September last regarding the laws of the United States and of other foreign countries, with regard to the liability of British shipowners in cases of loss by collisions at sea, I am directed by Lord Stanley to inform you that his Lordship learns from the Lords of Trade that, by the common law of this country, and by the maritime law, as administered in our Admiralty Courts, the Shipowner was formerly personally liable to the whole extent of his fortune for any damage done by his ships through default of his servants. The legislature, however, long since passed statutes limiting the liability, and the limitation, with some variations, still continues.

It was, however, held that the statutes being municipal laws, did not affect cases where foreign ships were concerned, and where the collision or casualty happened on the high seas, but that such cases must be governed by the general maritime law of the world, which was assumed to be the same with our common law. This was, perhaps, too hastily assumed, inasmuch

as most maritime countries adopted the principle of limiting the Shipowners' liability much earlier, and to a greater extent than Great Britain.

The consequence was, that if a collision happened between two British ships, the British law of liability applied, and whichever might be in fault, the liability was limited. On the other hand, if a collision happened between a British and a foreign ship on the high seas, or between two foreign ships on the high seas, and the case came into our courts, then whichever was in fault, the liability was unlimited.

This law was unequal, but in no way specially injurious to the foreigner. The British ship, if in fault, was equally liable with the foreigner; and as the British ship is generally to be found at home, and as the British shipowner resides here, the British shipowner being thus more likely to be the defendant, was likely the more often to suffer.

The law was consequently altered by making the limitation of liability apply in all cases coming into our courts, whether the ships were both British or both foreign, or one British and one foreign.

And as the change was simply an improvement of our own law, and conferred no especial advantage upon foreigners, it was not thought necessary or desirable to delay it for the purpose of obtaining similar changes when desirable in the laws of foreign nations.

I am, Sir, your most obedient humble servant,

JAMES MURRAY.

To W. S. LINDSAY, Esq.

MY LORD,

Manor House, Shepperton, Middlesex,  
28th November, 1866.

I received in due course your Lordship's letter of the 14th inst., which does not, however, appear to me to touch the main point of my previous communication, viz., the unlimited liability to which our Shipowners would still be subjected in cases of collision arising in various foreign courts. For instance, if one of our Transatlantic steam ships engaged in the conveyance of our mails came into collision—a very possible event—with one of the numerous steam vessels owned in the United States, freighted with passengers, cargo, and specie, of great value, the consequences, under the existing law of that country, might

prove not only most disastrous to the owners of the British ship, but also very detrimental to the public service.

As I understand the law of the United States, the owners of our mail steamer, if at fault, would be responsible to the full extent of their means for all the loss the owners of the American steamer had sustained; if so, the result would be the seizure of the British steamer whenever she reached an American port; and, possibly, if the loss sustained was very great, the seizure of all the vessels in port belonging to the same owner, and thus our mail service for the time might be suspended.

It is to this grave contingency I am anxious to direct your Lordship's attention, in the hope that you may see the urgent necessity of taking such steps as you may deem most expedient to induce the Government of the United States to place our vessels in their courts on the same footing in regard to the limitation of liability as we now place the owners of their vessels in our courts.

I am, my Lord, your most obedient humble servant,

W. S. LINDSAY.

To the Right Hon. the Lord STANLEY, M.P.,

*Secretary of State for Foreign Affairs,*  
&c. &c. &c.

SIR,

Board of Trade, Whitehall,  
25th February, 1867.

With reference to your letter of the 29th September, 1866, addressed to the Secretary of State for Foreign Affairs, and to previous correspondence upon the subject of the law of the United States as affecting the liability of the Shipowner in cases of loss by collision at sea, I am now directed by the Board of Trade to transmit to you the accompanying copy of a despatch and inclosures received through the Foreign Office from her Majesty's Minister at Washington upon this subject.

I have the honour to be, Sir,

Your obedient servant,

THOMAS GRAY.

To W. S. LINDSAY, Esq.,

*Manor House, Shepperton.*

(Copy.—M. 1268.)

MY LORD,

Washington, 23rd January, 1867.

In reply to your Lordship's despatch, marked "Commercial No. 7," of the 14th November last, on the liability imposed by

the laws of the United States on Shipowners in cases of collision, I have the honour to enclose copy of an opinion of Mr. Carlisle, the legal adviser of this Legation.

Your Lordships will gather from it that the principle of limited liability has been adopted by the laws of the United States, and is applied in the Federal courts. But the injured party may apply to a State court if the defendant is within its jurisdiction, and bring an action on the case, and it is doubtful whether such a court would limit the measure of damages by the principles contained in the Act of Congress.

I have, &c.,

(Signed) F. W. A. BRUCE.

To Lord STANLEY,  
&c. &c.

(Copy.)

SIR,

Washington, 22nd January, 1867.

I have the honour to return herewith the papers in relation to the question of the liability of Shipowners in cases of collision.

The only Act of Congress touching the subject is that of March 3rd, 1851, which in its third section limits the liability in such cases. A copy of this section is enclosed herewith. This language is explicit and comprehensive, making no distinction on account of the nationality of the ship; nor have I been able to find that such a distinction has been suggested in any adjudicated case under this statute.

For my own part I entertain no doubt that the limitation of liability which it prescribes would be held in all *courts of the United States* as applying equally to foreign as to American ships.

The Courts of Admiralty are, by the constitution of the United States, exclusively of the Federal Government. If therefore the remedy in cases of collision were exclusively in Admiralty Courts, the Act of 1851 would completely cover the question.

But there is a remedy at common law, which is open to the injured party at his election. He may maintain his action on the case, which is a transitory action, wherever he can find the owner of the offending vessel, in the same manner and to be determined by the same principles as if the plaintiff's coach or his person had been injured by a collision occasioned by the unskilful driving of the defendant's coach.



Such an action may be brought in any court of general jurisdiction in any of the States of the Union; and it may be doubted whether this Act of Congress would be available to limit the measure of damages in these courts, though undoubtedly a convention between Great Britain and the United States, with a proper Act of Congress to carry it into effect, would accomplish the object.

I have, &c.,

(Signed) J. M. CARLISLE.

To Sir F. BRUCE, S.S.B.,  
&c. &c. &c.

(Copy.)

*An Act to limit the Liability of Shipowners and for other purposes.*  
(Approved March 3, 1851.)

SECTION 3.—*And be it further enacted*, That the liability of the owner or owners of any ship or vessel for any embezzlement, loss, or distinction by the master, officers, mariners, passengers, or any other person or persons of any property, goods, or merchandise shipped or put on board of such ship or vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner or owners respectively in such ship or vessel, and her freight then pending.

IX. Statutes at Large, ch. xliii., page 635.

(M. 1266.)

Manor House, Shepperton, Middlesex,  
26th February, 1867.

SIR,

I have to acknowledge receipt of your letter of yesterday's date, with copy of a despatch and inclosures, received through the Foreign Office from her Majesty's Minister at Washington. By these documents it would appear that the laws of the United States of America, so far as regards the responsibility of British Shipowners in their courts, are the same as they were in 1860, and that, practically, our responsibility is there still unlimited. This is a very unsatisfactory state of things, and, as I have already explained to the Secretary of State for Foreign Affairs, might produce the most disastrous results to some of our Ship-

owners in their intercourse with the United States. I, therefore, trust that the Board of Trade may be induced to use its best efforts to obtain as soon as possible a convention, whereby our ships frequenting the ports of the United States may, so far as regards responsibility, be placed upon the same footing as we have now placed in all our courts the vessels belonging to that country.

I am, Sir, your obedient servant,

W. S. LINDSAY.

To the ASSISTANT SECRETARY,

*Marine Department, Board of Trade.*

(M. 1766.)

SIR,

Board of Trade, Whitehall,  
6th March, 1867.

I am directed by the Board of Trade to acknowledge the receipt of your letter of the 26th ultimo, stating, with reference to the question of the liability of British Shipowners in the United States, that that liability appears to be practically unlimited, and trusting that this Board may take steps to obtain complete reciprocity.

In reply, I am to point out to you that the principle of limited liability has been adopted in the Federal Courts, and is applied in all the Federal Courts of the United States—*i.e.* in all Admiralty and Vice-Admiralty Courts, to foreign as well as American ships.

It seems true, however, that an injured person may possibly maintain an action against the owner of an offending vessel in a State Court, and it must depend on the law of each State in that case, whether the measure of damages would be limited. But not to mention the difficulty of first ascertaining, and procuring the alteration of the law of each State, it is to be observed that to maintain such action the owner of the offending vessel must be found within the jurisdiction of the State Court. This, in fact, amounts to a practical limitation, seeing that he has all the advantages of limited liability so long as he keeps away from the United States, or is not to be found within the jurisdiction of the court in question.

I am, Sir, your obedient servant,

THOMAS GRAY.

To W. S. LINDSAY, Esq.,

*Manor House, Shepperton, Middlesex.*

(M. 1766.)

SIR,

Shepperton, Middlesex, 14th March, 1867.

I have to acknowledge receipt of your letter of the 6th inst., but it is very little satisfaction to know that the principle of limited liability is applied in all the Federal Courts of the United States to British Shipowners, whilst in all the State Courts of that country their responsibility is altogether unlimited. To say that they have the advantages of limited liability, so long as they keep away from the ports of that country, is to suggest that if we wish to avoid unlimited responsibility, we must renounce our carrying-trade with America.

The Board of Trade would also appear to be under the impression that there is so little chance of any serious claim ever being made, that the alteration of the law of the States is of little consequence to us, and that it is not worthy of the trouble it would involve; but a case in point has just come under my notice which signally illustrates the force of the remonstrative observations I have ventured to make.

The screw steam-ship *Keder*, belonging to Messrs. G. and I. Burns, of Glasgow, and their partners, sailed from New York 31st August, 1864, and on the following day came into collision with the *Czarina*, an American barque, of from 500 to 600 tons, which had on board a cargo of sulphur, shumac, and fruit. The *Czarina* was abandoned in a sinking state. As the evidence shows that the *Keder* was not to blame, the owners of that vessel hoped that nothing more would be heard of the matter; but only a few days ago they received a letter from Sir Edward Cunard, their correspondent at New York, stating that he had just been called upon to give bond for one hundred and twenty-five thousand dollars, on account of the cargo of the *Czarina*, and adding that he had also been called upon to give bond for the vessel, though the amount in the latter case is not mentioned. It is estimated that the value put on the *Czarina* and cargo will be something like 40,000*l.* Supposing the *Keder* to be in fault, her liability, according to British law, would be restricted to 8*l.* per ton of her own gross tonnage, viz. 14,264*l.*, whereas, according to the law of the State of New York, she may be held liable in this case for 40,000*l.*, being more than double her value; and if the *Czarina* and cargo had been more valuable than they are stated to be, the liability of the owner of the *Keder* would of course have been correspondingly increased. In a word, *it would have been practically without limit.*

I am aware that there may be some difficulty in obtaining an alteration of the law, but this ought not to be any obstacle when the interests at stake are so very large and of so grave a character. If the proper representation is made, I think the Government of the United States cannot now hesitate to place our vessels in *all* their courts on the same terms as we have recently placed their vessels in all our courts, and if the executive is prepared to enter into a convention, having that object in view, it will no doubt be confirmed by Congress.

I am, Sir, your obedient servant,

W. S. LINDSAY.

To the ASSISTANT SECRETARY,

*Marine Department, Board of Trade.*

*Note.*—This correspondence was not at all satisfactory to me, but as I was then in a very precarious state of health, I sent copies of it to Mr. John Burns, whose firm (the Cunard Company) was more deeply interested in the matter to which it refers than any other. He followed it up with his usual energy and ability, and through his exertions the responsibility of British Shipowners has now been limited in the *States*, as well as in the Federal Courts of the United States of America, to the same extent as the Shipowners of that country would be held liable in an action, through loss at sea by collision or otherwise, brought against them in this country. See Parliamentary Papers, ‘British Ships in American Waters,’ No. 236, 17th May, 1871; and ‘United States Liability of Shipowners’ Collision,’ No. 173, 18th May, 1874.

W. S. L.

#### APPENDIX No. 4.

(*Copy.*)

(Inclosure in No. 53.)

MR. LINDSAY to HIS MAJESTY THE EMPEROR OF THE FRENCH.

SIRE,

Paris, 10th January, 1861.

In accordance with your Majesty’s desire, expressed at the interview with which you honoured me this morning, I may here recapitulate the facts which I then brought under your notice.

In the early part of last session of Parliament I brought under the consideration of the House of Commons the following resolution :—



“ That an humble address be presented to her Majesty praying that she may be graciously pleased to enter into negotiations with the Emperor of the French with the view of making a treaty for the reciprocal abrogation of all discriminating duties levied upon the vessels and their cargoes of either of the two nations in the ports of the other, and for procuring such alterations in the Navigation Laws of France as may tend to facilitate the commercial intercourse and strengthen the friendly relations between England and France.”

That resolution received the unanimous approval of both Houses of Parliament, and was submitted for your Majesty's consideration through his Excellency Earl Cowley in the usual form. And, now I have to thank your Majesty very cordially for granting me an audience together with his Lordship, so that I might explain more fully the object of that resolution in its relation to the maritime commerce of France. Sire, the Navigation Laws of France may be divided into five distinct heads:—

1st. The coasting trade, which is confined entirely to French ships, all other vessels entering it being, I believe, liable with their cargoes to confiscation, with the exception of Spanish vessels employed on a particular branch of that trade.

2ndly. The colonial trade, that is, the trade between the colonies and possessions of France and the mother country, which is also confined entirely to the ships of France.

3rdly. The foreign trade, as, for instance, the trade between France and America, or between France and the Brazils, and other foreign countries, which is confined to the ships of France and those of the respective nations with which France has entered into treaties of reciprocity.

4thly. The direct trade with England, which comprises commerce carried on between the ports of Great Britain and the ports of France. This trade is confined to the vessels of England, and France, and the ships of the respective countries are, with some slight exception, placed on the same footing in the ports of either country.

5thly. The direct trade between France and the colonies and possessions of Great Britain, which, practically, is confined to the ships of France, as the differential duties, to which I shall hereafter refer, on nearly every article of produce are so high as against English ships that they are prevented from entering the trade.

Now, it is a remarkable fact that in those branches of trade

where French shipping is placed in competition with the shipping of other nations, it is making more progress than in those branches of trade where it is protected, at an enormous cost to the people of France. Indeed, the French shipping employed in those carefully protected branches of commerce has, as appears by the returns, in some instances actually declined. But this state of things is not confined merely to the shipping of France. It has been so throughout all time and with all nations. I shall endeavour to illustrate this to your Majesty by reference to the official returns of the progress of shipping belonging to my own country. Going as far back as 1720, I find that there cleared outwards from the ports of Great Britain, 430,000 tons of British shipping.

In 1810 the clearances amounted to 1,600,000 tons.

Ten years afterwards, in 1820, they had only increased to 1,670,000 tons, but in 1850 they had reached 4,700,000 tons.

That increase, however great, is nevertheless small when compared with the increase which took place after Great Britain, in 1850, swept away the last remnants of her Navigation Laws, and threw open her ports unreservedly to the ships of the world. In 1858, the clearances of British ships outwards employed in the over-sea trade, to which these returns alone have reference, reached 6,400,000 tons.

Thus it appears that in ninety years of the closest protection, when we guarded our ships with the most unusual care, and protected them in every branch of our trade to the detriment of our revenue, and by increased taxation upon the people, our shipping increased only 1,170,000 tons; whereas, in thirty years of partial free-trade, during which we entered into treaties of reciprocity with almost every nation, our shipping increased 3,000,000 tons, and in eight years of perfect free trade, that is, from 1850, when our Navigation Laws were entirely repealed, our shipping increased 1,740,000 tons, or, in round numbers, 600,000 tons more than it increased in ninety years of the closest protection. But it may be well to compare the relative progress of French and British shipping. By comparing the tonnage owned by the respective countries in 1838 and 1858, your Majesty will find that in the last twenty years France has increased her sailing vessels by 370,000 tons, and her steam ships by 50,000 tons. But England, during the same period, has increased her sailing vessels by no less than 2,800,000 tons, and her steam ships by 400,000 tons. Thus the Shipowners of

England, who are left to depend upon their own energies and their own resources, are moving onwards at a rate eight times greater than that of the Shipowners of France, who, by means of protection, are taught to depend upon the State instead of upon themselves and upon the vast natural resources which their country affords. It is a mistake to suppose, as many persons do, that France has not facilities for carrying on a great maritime commerce. Her seaboard is almost as great as our own; she has no less than 150 leagues of coast in the Channel, 130 leagues on the Atlantic, and 90 leagues of coast on the Mediterranean. Along her seaboard there are many fine harbours, some of them easy of access, and at points convenient to the great markets of the world. I need hardly mention the position of Havre as affording great facilities for carrying on a large commerce with the United States and the continent of America, generally, nor that of Marseilles, in its contiguity with India, and the vast commerce of the East. But allow me to direct your Majesty's attention to a remarkable contrast which may be drawn between two great branches of the trade of your own dominions. While your shipping is comparatively at a standstill, your special commerce is increasing with considerable rapidity, for I find that in ten years, from 1827 to 1836, the increase was 10,000,000 francs; from 1837 to 1846, 15,000,000 francs, but from 1847 to 1856 the increase was 22,000,000 francs in that particular branch of commerce, which is confined entirely to the produce and manufactures of France. To carry on this important and steadily increasing trade your Majesty is obliged to depend very materially upon the shipping of other countries, for I find that in 1858, while the total entries at French ports amounted to 4,162,000 tons, no less than 2,550,000 tons consisted of foreign shipping.

It is hardly possible to conceive the amount of money which the people of France are annually paying in, as it appears, a vain attempt, to encourage its shipping: I use the word "vain" because it is clear, if the experience of other nations, or the experience of your own nation is of any value, that all the money paid to "encourage shipping" is actually lost, for French ships, with all this protection, do not increase at the same rate as other nations, or at the same rates in the branches of your own trade, where they are guarded with unusual care, as they do in those branches where they are thrown into competition with the shipping of other countries. It would be impossible to ascertain



the loss the people of France annually sustain, directly and indirectly, through the operation of its Navigation Laws. I have, however, analysed it in one small branch of trade. In 1858, there cleared from the Island of Mauritius, 180,000 tons of shipping. The trade which that island carries on with France is, through the operation of the differential duties, confined to the vessels of France. In a word, they have a monopoly of it. Analysing the commercial circulars issued at that island, I find that the excess of freight paid at the Mauritius to French ships for "a market," or for the ports of France, amounted in that year to 300,000*l.* more than the people of England paid for a similar quantity of sugar imported from the Mauritius.

I have mentioned to your Majesty the differential duties still in force, but which in practice are unproductive to the revenue, because, as you will see by the following scale, they are so great that merchants are prohibited from shipping in any other than French bottoms. For instance, sugar pays a duty of 68*s.* per 100 kilogrammes if imported in French vessels, but 84*s.* if in English, from any of our colonies and possessions. Coffee in French ships is charged 48*s.* per 100 kilogrammes, and 84*s.* if in English vessels. Tobacco, if imported in French ships, pays 4*s.* per kilogramme, but double that duty if imported in English vessels. Other articles, the produce of our Eastern possessions, are taxed in somewhat similar proportions, so that your Majesty will see that your merchants and manufacturers are thus practically prohibited from using any other than French vessels to convey whatever produce they may require from the colonies and possessions of Great Britain.

Your Majesty has just concluded a Treaty of Commerce with England, which I feel certain will benefit alike the people of Great Britain and of France, and no doubt develop the trade of the respective countries to a far greater extent than many persons suppose; above all, it cannot fail to strengthen the friendly relations now happily existing between the Governments of the two countries, and which I most sincerely trust may long continue. That treaty will, however, be seriously clogged in its operations, unless there is a change in the Navigation Laws of France. I shall endeavour to show how.

The produce and manufactures of France will not, in all cases, be paid for either in coin or by the produce and manufactures of Great Britain, but in many instances by the produce of India, Australia, and Canada. Yet, by the French Navigation Laws,



that produce which your own people require, cannot be imported into France in the ships belonging to those parties who buy the produce and the manufactures of France. No nation, as your Majesty is well aware, can produce all that is necessary to employ, to feed, and to clothe her own people. All nations must, to a greater or less extent, depend upon other countries for those necessary articles of existence. France, to keep her people employed, must have the wools of Australia and the timber of Canada, as well as various descriptions of raw materials which India alone affords, or produces in greater abundance and at lower prices, than other countries. Nevertheless, the Navigation Laws of France prevent those articles which are required for the very existence of the people of France from being imported in the ships of the country whose possessions produce them. India, as your Majesty is aware, has, within the last two years, become virtually, since the abolition of the charter of the East India Company, an integral part of the British Empire: therefore I trust your Majesty will see the justice as well as the policy of at least placing the shipping of England and France engaged in that trade on the same footing as they have been for many years in the trade between those two countries. Such a change would entail no loss of revenue, nor would it, I conceive, require more than your Majesty's decree to effect. This change, in my humble judgment, is indeed necessary on even more urgent grounds than the development of the Commercial Treaty which has recently been concluded. The shipping of the world has just passed through an ordeal of great depression. The losses which Shipowners of all countries have sustained during the last four years have been so great, that capital has, to a considerable extent, ceased to flow in that direction, so much so that, by returns now before me, I find that the tonnage built during the year 1860 in the United States, in Canada, in New Brunswick, in Norway, in England, and in other great producing countries, falls far short of what it was either in 1859, or in any one of the previous years of depression. But, on the other hand, the general commerce of the world has, during that period, increased enormously. For instance, by our Board of Trade returns, the imports of cotton into Great Britain, which amounted to about 8,000,000 cwt. in the eleven months ending November 30, 1859, exceeded 10,000,000 cwt. in the eleven months ending November 30, 1860.

I need not call your Majesty's attention to the vast increase

in the imports of grain, or to the remarkable increase in the exports of manufactures, or to the greatly extended consumption of coal at remote stations. In a word, while the bulky articles which require ships for their conveyance to distant parts of the world have enormously increased, the shipping of the world has been comparatively stationary during the past year, and the many losses and disasters at sea during 1860 have tended materially to diminish the already scanty supply of shipping necessary to conduct the oversea trade of the world. All this will, without doubt, right itself in time, but it will take one year, if not two years, to do so. In the mean time, it might so happen that the artisans of France may be thrown out of employment for the want of French ships to bring them those raw materials necessary to keep them employed; or, what will amount to nearly the same, the increased cost to the manufacturer of the raw material, through the laws of France compelling him to bring it in her ships, might be so great that he would be unable to compete in price with his rivals in other countries, and, consequently, be obliged to close his mills or his workshops, as the case might be, for want of remunerative employment.

Might I, therefore, venture to impress upon your Majesty the desirability, I may even say the necessity, of at least placing the carrying-trade between France and the possessions of Great Britain on the same footing as it now exists between the mother countries. Your people would be immense gainers by this change, and your Shipowners would not suffer, for, independent altogether of the facts which I have stated in regard to the advantages which they, as carriers, derive above all others from the policy of Free-trade, there will be for the next twelve months at least ample employment for the shipping of all nations. I cannot close this, I fear too lengthily a letter, without calling to your Majesty's attention a remarkable instance of the injury which even the Shipowners of that great maritime country, the United States, sustain by protection. While in 1856, 1857, and 1858, the tonnage owned in England increased 335,000 tons, the tonnage of America in those same years actually decreased 67,000 tons.

In a recent visit which I made to that country, I did not fail, in the many opportunities afforded me, to impress upon its Shipowners that they were more interested in the removal of all barriers to free intercourse than any other class of the community; for, as those barriers which they still maintain along their

coast retard their commerce, and consequently limit the exchange of the different articles produced in the various districts, the employment of their vessels must necessarily be more curtailed than it would otherwise be if greater facilities were afforded for the transmission of those articles which one district produces in greater abundance than another.

To those maritime questions I have long devoted my attention, and I have often been struck at the circuitous course which ships, by the laws which nations adopted, have been obliged to follow. The ocean was meant to be free to mankind, but one nation by its laws dictates the course which the ships of other nations must follow; another nation, by way of retaliation, lays down the only course which it will allow its competitors to adopt. Thus we see ships, for instance, allowed to follow one track with cargo, but compelled to return by the same track, in ballast. We see the wool which your own people require, instead of being imported, as it ought to be, direct from Australia to the ports of France, sent, by the Navigation Laws of France, to the ports of England, and from thence imported at greatly enhanced prices to the consumers. It is the same with the produce of India. Those lines of steamers belonging to England, which run weekly from Calcutta and Bombay, and all the great ports of the East to Great Britain, passing Marseilles and the other seaports of France, are not allowed to land, for the use of its people, the very articles of which they may be in urgent want. All experience has proved that while those restrictions do great injury to the commerce of all nations, they inflict the largest amount of injury upon the people of the nation that imposes them.

The feeble efforts of so humble an individual as myself, may be of little avail in the removal of those pernicious restrictions, but I will never cease those efforts till the ocean, which was meant for the use of mankind in general, is as free as the waves which roll over it, and the gale which hurries them along. And if your Majesty would grant me your powerful aid by making one step in the direction I have so imperfectly ventured to point out, I feel that other nations will follow the example of a Sovereign so enlightened and so exalted, and thus I may live to see the object I have so anxiously in view crowned with success.

I have, &c.,

(Signed) W. S. LINDSAY.



## APPENDIX No. 5.

(Translation.)

Inclosure 1 in No. 73.

*M. Fleury to Mr. Lindsay, M.P.*

SIR,

Londres, 17th June, 1862.

The 'Moniteur' of the 2nd of May last published a report submitted to the Emperor by the Minister of Agriculture, Commerce, and Public Works, relative to the state of the French mercantile marine and the law by which it is governed.

In conformity with the suggestion of this report, which has been approved by his Majesty, the *Conseil Supérieur* of Commerce is instructed to prosecute an inquiry for the purpose of furnishing the Imperial Government with the data which it needs in order to enable it to judge between the diversity of opinion which has arisen on this grave question.

In the inquiry, as in that which has been presented on the reform of our Customs legislation, it will be advantageous that the principal maritime places in Foreign States should be represented, and the statements of their representatives heard side by side with those of French merchants and Shipowners. This is why the Minister of Foreign Affairs invites me to inform those principally interested here that the *Conseil Supérieur* will begin its sittings about the 10th of next month.

M. Thouvenel adds that in case, as he hopes, the merchants of London, appreciating the importance of the questions to be raised in this inquiry, will express their intention to respond to the invitation of the French Ministry, I should communicate their names to him, so that he may invite them to present themselves at the Ministry of Agriculture, Commerce, and Public Works, Department of Foreign Commerce, Rue de Tarennes 78b. M. Rouher will take the necessary measures that they may be summoned before the Upper Council with all due promptitude.

I think, Sir, I cannot do better than communicate this invitation to you, requesting you to inform me whether it will be agreeable to you to accede to it yourself. I shall, moreover, be much obliged by your communicating with the merchants or Shipowners in the City, and forwarding to me the names of such as may wish to take advantage of it.



I shall take care to let you know later the precise date when the sittings of the Council will open.

Believe me and the *Conseil Général*,

FLEURY.

(Copy.)

Inclosure 2 in No. 73.

*Mr. Lindsay, M.P., to M. Fleury.*

SIR,

8, Austin Friars, London, 23rd June, 1862.

I have read with no ordinary interest the letter you did me the honour to address me on the 17th instant, and I shall be happy to forward the object your Government has in view by every means in my power. So far as I am concerned, you have merely to name the time when my presence is again required in Paris. In regard to other witnesses, the publication of your letter to me would enable you to obtain a greater amount and variety of evidence than could possibly be obtained through my own unaided exertions. I am glad your Government has decided upon an open inquiry, for thus all the important facts bearing upon the subject can be brought to light. The knowledge of these facts will greatly facilitate the inquiry about to be instituted. For instance, I dare say your Shipowners think (as our Shipowners thought in 1849) that any material relaxation of the Navigation Laws of France would ruin them. The arguments used against the repeal of our laws in 1849 were very plausible, but not very profound; for what are the facts? The repeal of our Navigation Laws came into operation on the 1st January, 1850; the aggregate tonnage of the merchant navy of the British empire at that time was 4,232,962 tons. It had risen from 2,681,276 tons in 1815. So that the increase, under the guardian care of the State, had in the previous thirty-five years been 1,551,686 tons. That increase was then considered very great; and, as we could not look into futurity, much stress was laid upon the argument that if protection were removed from British shipping, any increase would in future be monopolised by the ships of foreign nations. But the Legislature had other interests to consider besides that to which I belong. Protection was, therefore, swept away, and Shipowners were left to depend upon their own exertions, instead of depending upon the State. Their desponding was great, but so far from being "ruined,"

they are richer now than ever they were at any former period, if I may judge of their wealth by the extraordinary increase of our shipping. On the 1st January, 1860 (ten years after all protection had been removed), we owned 5,710,968 tons. Thus, in ten years of Free-trade our increase was about as great as it had been in thirty-five years of protection; but the increase in the amount of business carried on in British ships is even more remarkable. Here are the facts:

In 1842, there were entered and cleared at our ports of British shipping 6,669,995 tons; 1850, 9,442,544 tons; 1861, 15,420,532 tons; the increase being 2,772,549 tons during nine years of protection, and 5,977,988 tons during eleven years of Free-trade.

In 1812 we built 129,929 tons of shipping; in 1849 only 117,953 tons. In 1850, we built 133,695 tons, and in 1861, 310,900 tons; showing an annual decrease between the former periods of 11,976 tons, but an annual increase between the latter of 177,205 tons.

The reason of these extraordinary results is obvious. Shipping is not the parent, it is the child of commerce. If your Government apply to its merchant shipping the principles we have adopted, you will find that the results will be very much the same, for these principles are applicable to all countries. Shipping has no creative power in itself, like land, or manufactures, or minerals; it depends, entirely, upon other interests for its existence. If a country produced what was necessary for its own wants and no more, it would not require any ships. If France had no commerce with other countries, and no trade along its own shores, there would be no employment for its shipping in its own trade. Now, though France has, I daresay, within herself the means of producing what other nations require to nearly as great an extent as the United Kingdom, and, though she requires as much or even more from other countries than we do, yet her sea-borne commerce is very limited as compared with her resources and her powers of consumption. Turning to the '*Tableau Général du Commerce de la France*,' I find that, in 1860, the entrances and clearances with cargoes only in your foreign and colonial trades, and the entrances in your coasting trade, including the ships of France and of every nation trading with her, amounted to 9,773,865 tons, whereas, in the same year, it required 37,841,329 tons of shipping to transport the cargoes which entered and cleared from the ports of the United Kingdom. But, curiously enough, though the ships of all nations

are allowed to enter our ports (and our consumers invite them to do so), there was, in 1860, in our foreign trade, only 4,294,444 tons of foreign shipping with cargoes as against 5,760,537 tons of British shipping; whereas, in your foreign trade, in the same year, there was 2,348,261 tons of foreign shipping with cargoes as against 1,663,615 tons of your own.

It is, thus, evident that any restriction you impose on the freedom of intercourse with other countries, while it curtails the operations of your merchants, likewise enhances the price of the raw material to your manufacturers; and while it increases the cost of the commodity to your people, curtails the employment of your Shipowners. But, even if those restrictions and differential duties (which you still maintain without any advantage to the revenue) benefited your Shipowners, which they do not, why should your merchants and manufacturers, and landowners and farmers, and, above all, your hardworking people, be made to suffer, so that your Shipowners might be enriched? So long as all the producing classes were protected, the Shipowners might have had some right to say that, as they were obliged to pay, for the benefit, real or imaginary of others, enhanced prices for all articles of consumption, they were consequently entitled to some compensating protection; but, since the recent relaxations of the French tariff, and, now that the producing classes are exposed to the competition of other countries, these classes have unquestionably a right to insist on free navigation.

No doubt your Shipowners will consider, as ours did, that their class was entitled to claim peculiar privileges, because the merchant service is the legitimate nursery of the seamen for the navy necessary for the protection of the State; but we have 20,000 more seamen now in our merchant service than we had in 1849. Free intercourse with other countries gave increased employment to our shipping, and therefore we required more seamen. So it will be with your country when you adopt a similar policy.

But, however fallacious the arguments have proved which were used against the repeal of our Navigation Laws, it is hardly possible to conceive anything so pernicious and absurd as the law itself which you still maintain. By way of illustration, may I direct your attention to the line of steamers trading between Southampton and the various ports in India, *viâ* the Mediterranean? These vessels pass Marseilles every week laden



with articles of which your people may be greatly in want, but the differential duties which the laws of France levy are so high on these articles (because they happen to be in English ships) that they cannot be landed, consequently they are carried through the Straits of Gibraltar, and across the Bay of Biscay to Southampton, and from thence by rail to London, and there shipped in either English or French bottoms to some port in France. Could anything be more absurd? The price your people pay for this folly is well illustrated by the startling fact that in 1860 France imported from the United Kingdom 3,000,000 lbs. of silk, 4,000,000 lbs. of coffee, 16,000,000 lbs. of wool, and 116,000 cwt. of cotton, not an ounce of any of these articles having been produced in this country.

For the protection and "benefit" of your Shipowners, which is purely imaginary, as I will show, your people were compelled to pay greatly enhanced prices upon an enormous quantity of articles necessary for their existence.

A few facts will now suffice to prove that your Shipowners have not profited by protection any more than our Shipowners when they were under the guardian care of the State.

Your coasting trade is confined strictly to French vessels. The vessels of all other nations are actually prohibited from entering it. In that trade there were entered and cleared in 1850, 2,447,556 tons of shipping. In 1860, 2,917,823 tons were entered and cleared. In your trade with the United Kingdom your Shipowners have had to contend on equal terms with the owners of British shipping, yet what are the results? In 1850 there were entered and cleared in that trade 594,640 tons of French shipping, cargoes, and ballast, but in 1860 the entrances and clearances of your own shipping in the same trade had increased to 1,017,617 tons. Thus, while the vessels in your closely protected trade increased 20 per cent., those engaged in the unprotected trade were nearly doubled!

I fear I weary you with figures, but allow me to give one more instance of the pernicious effects of a protective policy on both English and French shipping, as shown by a return of the tonnage of ships built for or otherwise added to the merchant navies of the United Kingdom and France in the following years. (*See Table, p. 595.*)

These figures speak for themselves. The comparative annual progress of the shipping of both countries was not worthy of notice during the first period, when both were protected by the



To the United Kingdom.		To France.	
	Tons.		Tons.
In 1842 . .	129,929	In 1842 . .	30,923
„ 1849 . .	117,953	„ 1849 . .	32,223
„ 1850 . .	133,695	„ 1850 . .	43,474
„ 1860 . .	211,968	„ 1860 . .	43,192

laws of the respective countries. You made a start when between 1849 and 1850 our Navigation Laws were repealed, but when the impetus which that repeal gave to our commerce came into play, and when our Shipowners felt that they had to depend upon themselves, and not upon the State, we shot ahead at an amazing rate during the second period, while the annual increase of your shipping remained stationary.

When in Paris last month, I had occasion to converse with many of your merchants and others in regard to the effect produced by the recent commercial treaty. They were satisfied, but they felt that something more was wanted, though they could not exactly say what it was. Now, though both countries have every reason to be much satisfied with that treaty, the want is to me very apparent. Free navigation must accompany freedom of commerce. The ramifications of commerce are so numerous and the competition so close that the slightest hindrance to its natural flow, or the smallest increase of freight, either retards, paralyses, or destroys vast branches of it. The trade which your people are now carrying on with England and its colonies and possessions is greatly retarded by the restrictions of the Navigation Laws. The produce of France which we buy is not in all cases paid for by the produce or manufactures of this country. We wish you to take in exchange for your wines and for the other productions of France which we require, and you desire in many cases to receive in payment for those productions, the produce of our colonies and possessions; but your Navigation Laws raise, as I have shown, the price of all such importations, so as to affect, most unfavourably for your people, the conditions of exchange, and, consequently, our commercial intercourse with each other is much more limited than it would be under a system of free navigation. I most sincerely trust that these restrictions may soon be removed; I do so, not merely on account of my country-

men, but for the benefit of your people, who will be large gainers by the change.

We were the first nation, I regret to say, to raise barriers to free intercourse with other nations. It was Great Britain which first set up laws to dictate the course which the ships of other nations should follow upon the ocean meant to be free for the use of mankind.

We maintained that wretched policy for centuries to the injury of others, but not to our own gain.

At last we discovered that the poverty of our neighbours did not enrich ourselves. Twelve years ago we changed our policy, and I have given you an outline of the happy results. Your country is still pursuing the same mistaken policy, but I think the day is not far distant when your enlightened Monarch will sweep away all the ancient barriers which hamper his commerce, and thus give to his people that freedom of intercourse which, while it tends to promote peace and goodwill, cannot fail to develop to an extent hitherto unknown the vast natural resources of your country.

I am, &c.,

(Signed) W. S. LINDSAY.

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#### APPENDIX No. 6.

##### *Letter to the Commercial Association, Lisbon.*

SIR,

Braganza Hotel, Lisbon,  
28th January, 1863.

My engagements have been such that it has not been in my power till now to answer your letter of the 20th instant. I have, however, in the interval been endeavouring to obtain statistical information in regard to the amount of tonnage belonging to this country, and the entrances and clearances of ships at its ports. I have obtained that information so far as regards the commerce of Lisbon and Oporto, but I cannot find that any returns are published of the general commerce of Portugal or of its shipping. I am therefore unable to offer an opinion to the members of your association respecting the effect produced upon your shipping, and on the sea-borne commerce, by your navigation and commercial laws. The trade of Lisbon, however, so far as the entries inwards and outwards are concerned, shows little or no increase these last six years.

Considering the geographical position of Portugal and its natural resources, you seem to have more to gain by free intercourse with other nations than most other countries. The magnificent Tagus offers facilities which few harbours in Europe possess. Yet, with these great natural advantages, you do not appear to be doing one-half the amount of trade you might do, and I believe this arises in a great measure from the restrictive nature of your Navigation Laws, and the cumbrous, slow, and harassing character of your Customs' regulations.

England maintained somewhat similar Navigation Laws up to 1869. At that time the aggregate tonnage of the merchant navy of the British Empire was 4,232,962 tons. It had risen from 2,681,276 tons in 1815, showing an increase of 1,551,686 tons in thirty-five years of Protection, and it was, therefore, argued by many persons that the repeal of those laws, while it would benefit the Shipowners of other nations, would be suicidal to our own. But our leading statesmen were of a very different opinion. They felt that it was for the interest of the people of Great Britain to have the freest possible intercourse with all nations; to import what they required, and export what they had to sell at the lowest cost; and, as shipping is not the parent but merely the child of commerce, they foresaw that it must increase with the increased intercourse with other nations. The result has proved the wisdom of their opinions. A reference to our Board of Trade returns (a copy of which I will send to you on my return to England) shows the enormous increase of our commerce, and the consequent increase of the wealth and prosperity of our people.

Since the 1st of January, 1850, ships of all nations have been allowed to enter and leave our ports, and to trade to our colonies and possessions on the same terms in all respects as our own vessels. And while our people have been large gainers by the repeal of the Navigation Laws, an Act which that year came into operation, our Shipowners have been greatly benefited, for in 1860 we owned 5,710,968 tons of shipping, showing an increase in ten years of Free-trade nearly as great as the increase during thirty-five years of Protection.

But the increase in the amount of business carried on in British ships to and from the ports of Great Britain is even more remarkable.

In 1842 there were entered and cleared at our ports of British shipping, 6,669,995 tons.



In 1850 there were entered and cleared at our ports of British shipping, 9,442,544 tons.

In 1861 there were entered and cleared at our ports of British shipping, 15,420,532 tons.

The increase being 2,772,549 tons during nine years of Protection, while it was no less than 5,977,988 tons during eleven years of Free-trade.

But experience has proved that restrictive laws are injurious to all countries which maintain them. It is verified in your own case. See what the trade of the Tagus has become to that of the Thames or Mersey, though the former affords much greater natural facilities for shipping and commerce. It has long been apparent in Spain; and though the wealth and great natural resources of that country are now in course of development by means of railway communication, its intercourse with other countries is still very limited, and must remain so while they continue to maintain high differential duties, which yield little or no revenue, and seriously curtail their intercourse with the world.

Even France is a striking example of the loss a nation sustains by endeavouring by means of Protection to shut herself up within herself.

It is thus evident that every restriction a country imposes upon its freedom of intercourse with other countries—while it curtails the operations of its merchants, and enhances the price of the raw material to its manufacturers, increasing also the cost of the commodity to the people—must necessarily curtail the employment of its Shipowners.

These restrictive laws often compel merchants to buy what they require, at greatly enhanced prices, articles not produced in the country from whence they are imported; as is the case in your importations from England of cotton, sugar, coffee, hemp, jute, silk, foreign wool, and numerous other articles, all arising in a great measure from the fact that the differential duties<sup>1</sup> imposed by your Navigation Laws oblige you to import foreign manufactures or produce, either in your own ships or in the ships of the country where the articles were produced. Consequently the people of Portugal pay much higher prices than we do for almost every article they require to import from other

<sup>1</sup> Goods imported in foreign vessels not being the produce or manufacture of that country pay one-fifth more duty than if imported in Portuguese vessels.



countries, for the exclusive benefit of your Shipowners, who do not increase the number of their vessels. But these restrictive laws retard the natural progress of commerce in ways too numerous to mention within the limits of a letter, and they are as absurd as they are pernicious. Their absurdity becomes apparent when you ask yourself the question, why should the merchants of either France or Portugal not be allowed, when it suits their purpose, to import direct, in any ships they please, the produce of Europe, Asia, Africa, or America, instead of importing it through England or through any other country where it is *not* grown?

France, as you are aware, has recently made great changes in her commercial tariff, and ere long she will, I daresay, make as great changes in her Navigation Laws. I can offer no opinion to your Chamber of Commerce beyond advising its members in the interests of their country to urge the Legislature by petitions and by every constitutional means within their power *to remove every restriction in your Customs' regulations not absolutely necessary for the protection of the revenue, to reduce the duties upon all articles of large consumption, to abolish all differential duties which yield little or no revenue, and to repeal your Navigation Laws, which do the people great injury, and do not benefit your Shipowners except in rare instances.*

I am thoroughly convinced that by some such changes as these much of your ancient greatness and grandeur would be restored. Unwise laws, combined with other matters too delicate for me to name, have done perhaps more to retard your progress than the loss of your possessions in the East, or your severance from the Brazils. Indeed, had Portugal adopted Free-trade measures at the time of that severance she would have retained the bulk of the Brazilian commerce; but your Protection laws set up barriers at all your ports, through which very few ships but your own could enter—they drove trade from your cities, and the very bread from the mouths of your children. No wonder that the glory of Portugal passed away; and that your merchants, who were, indeed, princes in the days of Vasco de Gama, are now almost unknown in the markets of Europe.

Even, in spite of your restrictive laws, the natural facilities of the Tagus are still so great and so many that vessels from the Brazils are beginning to make it their port of call, and if the changes I have ventured to name are carried into effect, I am certain that Lisbon, from its position, is destined to carry on a

very extensive traffic with the world. It may even become one of the great entrepôts for the supply of many of the European markets, as the railways now in course of construction will afford facilities for conveying its imports, not merely to the interior of Portugal and to Spain, but also to more distant parts of Europe.

It is, indeed, sad to look, as I now do, from the window of my hotel upon the beautiful but lifeless Tagus—to think what it *is* by nature, what it *was* in commerce, and what it might be under wise and liberal laws. The future is in the hands of your own people, and the members of your chamber might become instruments of great good by the dissemination of statistical and other information bearing upon the questions on which you have invited my opinion. You have happily a free press, which will enable your chamber to do so to great advantage. I return to England to-morrow. When I reach home I shall forward to you copies of the works you desire to possess, as also other publications which may be of service to you. Much useful information might also be obtained from the various ministers and consuls resident in this city; and I am sure they will only be too happy to assist you in the laudable object you have in view, for the countries they represent, especially England and France, are deeply interested in every measure tending to create greater intercourse between your country and their own.

I am, Sir,

Your very obedient and faithful servant,

W. S. LINDSAY.

To A. J. P. SERZEDELLO, junior, Esq.,

&c.

&c.

&c.,

*Secretary to the Commercial Association, Lisbon.*

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#### APPENDIX No. 7.

##### *Summary of the Acts passed for the Regulation of Passenger Ships.*

THE first separate Act for regulating passenger ships was the 43 Geo. 3, cap. 56. By this Act the number of passengers to be carried in any British vessel was limited to one person, including the crew, for every two tons of the unladen part of the ship, and in foreign ships two persons for every five tons.

Vessels to North America were required to be victualled for twelve weeks, so as to afford a daily allowance for each person of  $\frac{1}{2}$  lb. of meat,  $1\frac{1}{2}$  lb. of biscuit or oatmeal, with  $\frac{1}{2}$  pint of molasses, and 1 gallon of water. Regulations were prescribed for mustering the passengers and for promoting cleanliness on the voyage, and a surgeon was to be carried. The master and surgeon were obliged to give bond in the sum of 100*l.* severally to keep a true journal, which journal was, on the return of the vessel, to be delivered to the officer of Customs and verified on oath. Bond was likewise to be given by the owners or master for the seaworthiness of the ship and the delivery of the passengers at their destined ports. An abstract of the Act was to be hung up on board.

Some slight amendments of detail were made in this law in 1813 by the 53 Geo. 3, cap. 36; and in the year 1816 it was further amended by the Act 56 Geo. 3, caps. 83, 114. By the first of these Acts, which is confined in its operation to Newfoundland and the coast of Labrador, the tonnage check was omitted, and the limitation was changed to the check by space, viz. 6 feet in length by 2 feet in breadth for each passenger, with the full perpendicular height between the two decks in vessels having two decks, and 5 feet perpendicular between the cargo and deck when there was no second deck.

The dietary scale was increased to

1 lb. of bread or biscuit,	} per day,
1 lb. of beef, or $\frac{3}{4}$ lb. of pork	
2 lbs. of flour,	} weekly;
3 lbs. of oatmeal,	
$\frac{1}{2}$ lb. of butter,	

but the allowance of water was reduced from 8 to 5 pints.

In 1817 the original Act (43 Geo. 3, cap. 56), which had been previously repealed in respect of Newfoundland and Labrador, was repealed in respect of the rest of British North America by 57 Geo. 3. the 57 Geo. 3, cap. 10. By this Act the number of passengers <sup>c. 10; 1817.</sup> was limited to one passenger for every  $2\frac{1}{2}$  tons burthen—and in ships partly laden with goods, in the same proportion for the unladen portion only. A distinction in computation was, for the first time, made between children and adults; three children under fourteen being reckoned, for space purposes, as one adult. The dietary was the same as in the repealed Act of 56 Geo. 3, cap. 83. The Shipowner was to give bond for the number of



passengers on board, and for their being landed at the proper port. An abstract of the Act was to be hung up on board.

In 1823 the preceding Acts were repealed, and their principal provisions embodied in the 4 Geo. 4, cap. 84, which enacted that vessels should not carry to any place out of Europe more than one person, including master and crew, for every 5 tons, without special permission or licence from the Commissioners of Customs. The licence would only be granted, in the case of British ships, to vessels having two decks, with 5 feet 6 inches in height between them. Vessels carrying goods were permitted to take passengers in the proportion of one adult to every 2 tons of unladen space, provided that to each passenger there should be allotted an "integral" space of 6 feet in length by 2 feet 6 inches in breadth, and 5 feet 6 inches in height between the decks, or from cargo to deck, when there was no second deck. Two children under fourteen, or three under seven, were to be computed as one adult. Bond was to be given in the sum of 20*l.* for each passenger, that the vessel was seaworthy and properly stored with water and provisions, and provided with a surgeon, in case there were fifty persons, including the crew, on board. Passengers could only be embarked at a Custom-house port. A penalty of 50*l.* was imposed for each passenger in excess of the licence. The allowance of provisions, &c., was—

Water .. .. .	5 pints	} Daily.
Bread or biscuit ( .. .. .	1 lb.	
Beef (or) .. .. .	1 lb.	
Pork .. .. .	$\frac{3}{4}$ lb.	
Flour .. .. .	2 lbs.	} Weekly.
Oatmeal, peas, or pearl barley	3 lbs.	
Butter .. .. .	$\frac{1}{2}$ lb.	

And a penalty of 500*l.* was imposed for re-landing provisions, &c. Rules for cleanliness and fumigation were established; ships carrying passengers were to be marked with a "P." if there were more than one person, including the crew, to every 5 tons on board. The Act did not apply to vessels engaged in the Newfoundland fishery. The Commissioners of Customs at home, the local authorities in the colonies, and the officers of the navy and consuls abroad were to execute the Act. This law having been repealed in 1825 by an Act to repeal the several laws relating to the customs, was re-enacted the same year with

6 Geo. 4, c. some slight modifications by the 6 Geo. 4, cap. 116.  
116; 1825.



By the 7 & 8 Geo. 4, cap. 12, this, and all other Acts affecting the carriage of passengers, was repealed, and the trade left unrestricted by law. 7 & 8 Geo. 4, c. 19; 28 May, 1827.

The total absence of any legislative regulations having led to great abuse, the 9 Geo. 4, cap. 21, was passed, to reimpose the necessary limitations in the passenger trade. This Act was restricted in its operation to the continent and islands of North America. The limit upon the numbers to be carried was three persons for every 4 tons burthen. Ships carrying passengers were to have a height of  $5\frac{1}{2}$  feet between the decks or between the platform and the deck. Two children under fourteen, or three between one and seven, were to be computed as one adult. Fifty gallons of water and 50 lbs. of bread, biscuit, or oatmeal, were to be put on board for each passenger. Provisions, water, or stores were not to be carried on that part of the 'tween decks appropriated to the emigrants. Passengers were not to be landed at the places not contracted for, and the masters were to enter into bond for the due performance of the regulations prescribed by the Act. 9 Geo. 4, c. 21; 23 May, 1828.

By the 5 & 6 Will. 4, cap. 53, the Act of 1828 was repealed, and further provisions made for the regulation of the carriage of passengers. No ship was allowed to sail with more than three persons for every 5 tons of burthen, and was required to have a height of  $5\frac{1}{2}$  feet between decks, and for every passenger carried 10 clear superficial feet of space on the lower deck or platform. Ships having two tiers of berths were to have 6 inches between the bottom of the lower berths and the deck. The quantity of water and provisions to be put on board was 5 gallons of water, 7 lbs. of bread, biscuit, or oatmeal, or bread-stuffs, for each passenger per week, the length of the voyage being computed as follows, viz.:— 5 & 6 Will. 4, c. 53; 31 Aug. 1835.

	Weeks.
To North America .. .. .	10
To South America on the Atlantic, or to the West Coast of Africa .. .. .	12
To Cape of Good Hope .. .. .	15
To Mauritius .. .. .	18
Any other voyage .. .. .	24

The officers of Customs were to examine the provisions and water. A table was to be made out and hung up of the prices at which provisions were to be sold on board to the passengers. The seaworthiness of the ship was to be ascertained by survey.

Copies or abstracts of the Act were to be kept on board. Ships carrying 100 passengers were to carry a medical man, duly authorised by law to practise in this country as a physician, surgeon, or apothecary, and a proper supply of instruments, medicines, &c.; and ships carrying less than 100 passengers were to have a proper supply of medicines and other things adequate to the probable exigencies of the voyage. Passenger ships were prohibited from carrying spirits as stores in larger quantities than 10 per cent. more than the quantity allowed by the Customs for the use of the crew. Lists of passengers, with their names, ages, and occupations, were to be made out and delivered to the chief officer of Customs. Passengers were not to be landed at ports not contracted for without their consent. Two children under fourteen, or three between one and seven, were to be reckoned as an adult. Infants under twelve months were not to be counted. The passengers were to be victualled, or receive each a shilling a day in lieu thereof, for every day they were detained before the sailing of the ship, provided the detention did not arise from stress of weather, or other unavoidable cause; they were also entitled to remain on board forty-eight hours after the arrival of the ship, except where the ship proceeded to another port, in prosecution of her voyage. Masters were to give bond for the due performance of the regulations prescribed by the Act.

3 & 4 Vict.  
c. 21; 4  
July, 1840. By the 3 & 4 Vict. cap. 21, the provisions of the preceding Act were made applicable to intercolonial voyage in the British colonies in the West Indies, South America, the Bahamas, and Bermuda.

5 & 6 Vict.  
c. 107;  
Aug. 1842. The two preceding Acts were repealed by the 5 & 6 Vict. cap. 107, which enacted that no vessel should carry more than three persons (master and crew included) to every 5 tons burthen, nor, whatever be the tonnage, more than one passenger to every 10 superficial feet of the space appointed for the use of the passengers, under a penalty not exceeding 5*l.* for every passenger in excess. The lower deck was not to be less than 1½ inch in thickness, and secured to the hold beams. The height between decks was to be 6 feet at least; there were not to be more than two tiers of berths; the bottom of the lower tier to be 6 inches above the deck; the berths were not to be less than 6 feet in length and 18 inches in width, for each passenger, and to be securely constructed. At least 3 quarts of water per diem was to be issued to each passenger, and a supply of pro-

visions, not less often than twice a week, at the rate of 7 lbs. of bread-stuffs per week, half at least to be bread or biscuit, the other half might be potatoes, of which 5 lbs. were to be reckoned equal to one pound of bread-stuffs. The length of the voyage to be computed as follows:—

	Weeks.
For a voyage to North America, except the west coast thereof .. .. .	10
For a voyage to the West Indies, including under that term the Bahama Islands and British Guiana ..	10
For a voyage to any part of the continent of Central or South America, except the west coast thereof, and except British Guiana .. .. .	12
For a voyage to the West Coast of Africa .. .. .	12
For a voyage to the Cape of Good Hope or the Falkland Islands .. .. .	15
For a voyage to the Mauritius .. .. .	18
For a voyage to Western Australia .. .. .	20
For a voyage to any other of the Australian colonies ..	22
For a voyage to New Zealand .. .. .	24

Two children under 14 were to be computed as one passenger; children under one year were not to count.

The provisions and water were to be inspected and surveyed by the Government emigration agents, or in their absence by the officer of Customs. Seaworthiness of vessels was to be ascertained by those officers, who might order a survey if necessary. Boats were to be taken in the following numbers, viz. :—

Ships between 150 and 250 tons, two boats.

Ships between 250 and 500 tons, three boats.

Ships of 500 tons and upwards, four boats; one of them to be a long-boat, of the proper size.

Copies of the Act were to be kept on board, to be produced to the passengers on demand. A proper supply of medicines, &c., with directions for their use, was to be provided for the voyage to North America; and on other voyages, ships carrying 100 passengers, or fifty, if the voyage were longer than twelve weeks, were also required to have on board a duly-qualified medical practitioner. The sale of spirits to the passengers was prohibited. Parties contracting to find passages to North America were to give written receipts for moneys received in a prescribed form. No person, except owner or master of



the ship, was allowed to act as a passage-broker, unless licensed by the magistrates at the petty or quarter sessions. In case the contract for a passage were not performed, the aggrieved parties, unless maintained at the contractor's expense, and provided within a reasonable time with a passage to the same place, might recover any passage-money they had paid, with a sum not exceeding 10*l.* as compensation. Passengers were to be victualled during detention of ships; but if detention (except caused by wind or weather) exceeded two clear working days, they were to receive instead 1*s.* per diem, unless suitably lodged and maintained with their own consent by the contractor. Passengers were not to be landed against their consent at any place other than the one contracted for, and were to be maintained on board for forty-eight hours after arrival, unless the ship, in the prosecution of her voyage, quitted the port sooner. The Act extended to foreign as well as to British ships, but not to vessels carrying fewer than thirty passengers, nor to cabin passengers. The enforcement of the law rested with the Government emigration agents and officers of Customs.

10 & 11  
Vict. c.  
103, and  
11 Vict.  
c. 6; July  
1847 and  
1848,

The 5 & 6 Vict. cap. 107, was amended by the 10 & 11 Vict. cap. 103, and 11 Vict. cap. 6. The first of these Acts brought within the full operation of the law such ships as carried more than one passenger for every twenty-five tons of registered burthen. It gave power to the Commissioners to vary the diet. It prohibited the carriage of gunpowder, vitriol, or green hides as cargo. It gave power to ensure ventilation between decks, a survey of the ship, and a proper crew. Ships putting back were to replenish their provisions. In case of wreck, or other accident, the passengers were to be provided with a passage in some other vessel. The second amending Act, which was confined to North America, required that a ship carrying more than 100 passengers, should have a cook and proper cooking apparatus; and if she did not carry a medical practitioner, that the superficial space for each passenger should be 14 instead of 12 feet. Passengers were to be examined by a medical practitioner, and persons affected with contagious or other disease likely to affect the health of the other passengers were not allowed to proceed. The passage-money of persons re-landed was made recoverable from the ship. The Queen in Council was empowered to issue rules and regulations for the preservation of order on board. Ships carrying fewer passengers than one to twenty-five tons were exempted from the Act.

28 March,  
1848.



The three last-mentioned Acts were repealed, and their provisions consolidated and amended by the 12 & 13 Vict. cap. 33. The principal additions were—that an adequate ventilating apparatus should be put on board all ships carrying 100 or more passengers; and that adult persons of different sexes, unless husband or wife, should not be placed in the same berth. A lifeboat and two properly fitted life-buoys were to be provided; and the following increased dietary scale was prescribed:—

3 quarts of water daily.

2½ lbs. of bread or biscuit (not inferior to navy biscuit),

1 lb. wheaten flour,

5 lbs. oatmeal,

2 lbs. rice,

2 oz. tea,

½ lb. sugar,

½ lb. molasses,

per week. To be issued in advance, and not less often than twice a week.

5 lbs. of potatoes may be substituted for 1 lb. of oatmeal or rice; and in ships sailing from Liverpool, or from Irish or Scotch ports, oatmeal may be substituted in equal quantities for the whole or any part of the issues of rice. The Emigration Commissioners, with the authority of the Secretary of State, may substitute other articles of food. The regulations for preserving order, cleanliness, and ventilation were made applicable to all British ships proceeding to any of the British possessions abroad, and not confined, as formerly, to those proceeding to North America. Parties acting as passage-brokers in respect of passages to North America were required, for the first time, to give bond to the Crown in the sum of 200*l.*, for the due observance of such requirements of the Act as relate to their proceedings. And the right of emigrant runners to recover from any emigrant, broker, or other person, any reward for services in the way of information or assistance, was taken away, unless such runner was acting under the written authority, as the agent or servant of the licensed passage-broker.

Passage broker's bond, 200*l.*

By an Act, 14 Vict. cap. 1, the Consolidated Act of 1849 was amended, so as to enable the Emigration Commissioners to fix a different length of voyage for steam- and sailing-vessels, and to allow the use of an alternative diet scale in all passenger ships. Vessels putting back into any port in a damaged state were

12 & 13  
Vict. c. 33;  
13 July,  
1849.

14 Vict. c.  
1; 1851.

Bond from  
masters of  
foreign  
ships.

15 & 16  
Vict c. 44;  
30 June,  
1852.

prohibited from putting to sea again until effectually repaired. And bond is required to be given by masters of foreign ships carrying passengers to the British possessions abroad, that they will submit themselves to the jurisdiction of the colonial courts in the same manner as if they were British subjects.

By an Act passed in June, 1852, the two previous Acts of 1849 and 1851 were repealed, but their provisions were re-enacted in a consolidated and amended form, with some alterations and additions. The following are the main differences introduced by the Act of 1852: It empowered the Emigration Commissioners to sue and be sued, by their secretary or one of themselves, and exempted them from personal liability in respect of all acts done in their official capacity. It forfeited "passenger ships" putting to sea without obtaining a clearing certificate from an emigration officer; it required ships taking additional passengers at outports to obtain a fresh clearance from the emigration officer; it punished, by fine or imprisonment, stowaways and their abettors; it required the survey of ships to be undertaken by *two* (instead of one, as in the previous Act) or more surveyors, and provided for an appeal against their decision; it required that single men should be berthed in a separate compartment in the fore-part of the ship; it provided for hospital accommodation and privies; it extended the boat scale, and required night-signals and fire-engines to be carried; it added to the articles expressly prohibited as cargo—horses, cattle, and lucifer-matches—and prohibited the carriage of cargo on passenger decks, unless stowed so as not to interfere with light and ventilation or the comfort of the emigrants. It fixed different lengths of voyage for steam- and sailing-vessels, and increased, from seventy to eighty days, the length of voyage to North America for ships sailing between the middle of October and the middle of January; in other respects, the prescribed length of voyage remained substantially the same as in the Act of 1852. It required that the provisions of the crew should not be inferior to those of the passengers, and empowered the emigration officers to reject bad provisions. The dietary scale (with the exception of substituting a small allowance of salt for molasses) was the same as in the Act of 1849, but a greater variety of articles was allowed to be substituted for oatmeal, rice, and potatoes. It required the provisions to be issued in a cooked state, and daily instead of twice a-week, as in the Act of 1849. It provided for the appointment of passengers'

stewards, and interpreters when required, and for the medical inspection of the crew as well as of the passengers. It extended, from forty-eight hours to ten days, the time within which a Shipowner may forward passengers who had not obtained passages in the ships for which they contracted. It required masters of ships putting back for the purpose of repairing damages, to maintain the passengers, or pay them subsistence money, until the ship is ready for sea or they are provided with passages in some other eligible ship. It further empowered the Secretary of State, Governor of a Colony, or British Consul, to defray the expenses of rescuing, and—if the master fails to do so—forwarding shipwrecked passengers, and constitutes such expenses a debt to the Crown, to be recovered from the owner, charterer, or master of the ship. The prohibition against acting as a passage-broker without a licence, which was formerly restricted to passages to North America, was now extended to passages to any place out of Europe, not being in the Mediterranean; and the amount of the passage-broker's annual bond was increased from 200*l.* to 500*l.* It empowered trustees of docks to pass bye-laws for regulating the landing and embarking of emigrants, and for licensing emigrant runners—who were for the first time brought under legal control by being compelled to take out an annual licence, and to wear a badge.

Ship-wrecked passengers may be forwarded by public officers at the expense of the ship-owner, &c.

Emigrant runners.

The Act of 1852 was repealed and amended by the Act of 18 & 19 1855, which is the chief Act now in force. It is in the main similar to the previous Act, but contains several additions, which are fully shown in the preceding memorandum. The principal of them relate—

1. To the reduction of the number of passengers required to bring a ship within the operation of the Act.
2. To the reduction of the age of a “statute adult” from 14 to 12 years.
3. To the distinction between the upper and lower passenger deck.
4. To the increase of space allowed to passengers.
5. To certificates of exemption for mail steamers.
6. To appeals from the decision of an emigration officer who may decline to grant a clearing certificate.
7. To the stowage of cargo.
8. To the dietary scale for Australian voyages.

9. To the increase in the amount of detention money.

10. To the rights of passengers in case of the wreck or destruction of a passenger ship before the commencement of the voyage.

11. To contract tickets for cabin passengers in "passenger ships," and a summary remedy before magistrates for enforcing the contract.

12. To emigrant runners.

13. To agents of licensed passage brokers.

26 & 27

Vict. c. 51;  
1863.

The material alterations introduced into the Act of 1855 by the amending Act of 1863 may be classed under the seven following heads:—

1. The number of passengers necessary to bring a ship within the operation of the law is increased from two to three *statute adults* for every 100 tons, and from 30 to 50 *passengers* in all.

2. The exemption heretofore enjoyed by certain mail steamers is withdrawn.

3. The tonnage check on the number of passengers to be carried is abolished, leaving the space check only to operate.

4. Cabin passengers are to be included in the lists to be furnished to the officers of Customs, and such passengers are now entitled to a return of half their passage money in case they are prevented by an emigration officer from undertaking their voyage on account of the state of their health.

5. Under certain restrictions the carriage of a limited number of horses, cattle, and dogs in passenger ships is allowed.

6. In case of wreck or damage to the ship the same regulations are extended to passengers whose passages have been provided for them by others, as were applicable under the Act of 1855 to passengers who had contracted for their own passages.

7. The bond to be given by the master and another surety to the Crown is increased from 200*l.* to 500*l.* in the case of ships of which neither the owner nor charterers reside in the United Kingdom, and the obligors are made liable for expenses incurred in rescuing and forwarding shipwrecked passengers.



## APPENDIX No. 8.

*Passages of Clipper Ships engaged in the Trade with China.*

The following Tables, showing the dates of starting and arrival of ships from the China ports during the years 1868, 1869, 1870, 1871, and 1872, is abridged from 'Naval Science' for July, 1873.

Date of Sailing.		Ship's Name.	Port.	Date of Arrival.	Passage.
1868.					
May	28	Taeping .. ..	Foo-chow-foo .. ..	Sept. 7.	102
"	30	Lahloo .. ..	Foo-chow-foo .. ..	" 8	100
June	7	Yang-tsze .. ..	Foo-chow-foo .. ..	Oct. 7	122
May	28	Sir Lancelot .. ..	Foo-chow-foo .. ..	Sept. 3	98
June	11	Forward Ho .. ..	Shanghai .. ..	Oct. 17	128
"	13	Titania .. ..	Shanghai .. ..	" 17	126
May	30	Undine .. ..	Whampoa .. ..	Sept. 11	104
"	28	Ariel .. ..	Foo-chow-foo .. ..	"	97
"	29	Spindrift .. ..	Foo-chow-foo .. ..	"	97
June	1	Serica .. ..	Foo-chow-foo .. ..	"	113
"	2	Fiery Cross .. ..	Foo-chow-foo .. ..	"	121
July	10	Challenge .. ..	Shanghai .. ..	"	131
1869.					
July	9	Taeping .. ..	Foo-chow-foo .. ..	"	107
"	2	Lahloo .. ..	Foo-chow-foo .. ..	Oct. 12	102
"	16	Sir Lancelot .. ..	Foo-chow-foo .. ..	" 14	90
June	10	Forward Ho .. ..	Shanghai .. ..	" 2	114
"	16	Titania .. ..	Shanghai .. ..	Sept. 22	98
April	2	Undine .. ..	Shanghai .. ..	Aug. 2	122
June	30	Ariel .. ..	Foo-chow-foo .. ..	Oct. 12	104
July	4	Spindrift .. ..	Foo-chow-foo .. ..	"	106
"	27	Serica .. ..	Foo-chow-foo .. ..	"	110
"	1	Leander .. ..	Foo-chow-foo .. ..	Oct. 12	103
Aug.	6	Challenge .. ..	Shanghai .. ..	"	148
July	28	Falcon .. ..	Foo-chow-foo .. ..	"	110
"	3	Thermopylæ .. ..	Foo-chow-foo .. ..	Oct. 2	91
June	21	Taitsing .. ..	Shanghai .. ..	"	115
1870.					
June	5	Taeping .. ..	Whampoa .. ..	Sept. 29	116
Oct.	13	Lahloo .. ..	Foo-chow-foo .. ..	Jan. 18	97
Aug.	2	Sir Lancelot .. ..	Foo-chow-foo .. ..	Nov. 12	102
June	28	Forward Ho .. ..	Shanghai .. ..	Oct. 25	119
"	14	Titania .. ..	Hankow .. ..	" 8	116
July	30	Undine .. ..	Shanghai .. ..	Nov. 13	106
June	28	Serica .. ..	Shanghai .. ..	Oct. 14	112
Sept.	15	Fiery Cross .. ..	Whampoa .. ..	Jan. 10	117
Oct.	6	Leander .. ..	Foo-chow-foo .. ..	" 17	103
Aug.	30	Windhover .. ..	Foo-chow-foo .. ..	"	100
Sept.	2	Falcon .. ..	Foo-chow-foo .. ..	Dec. 20	109
July	29	Thermopylæ .. ..	Foo-chow-foo .. ..	Nov. 12	106
June	24	Cutty Sark .. ..	Shanghai .. ..	Oct. 14	112
Nov.	3	Taitsing .. ..	Foo-chow-foo .. ..	March 4	121

*Passages of Clipper Ships engaged in the Trade with China—  
continued.*

Date of Sailing.	Ship's Name.	Port.	Date of Arrival.	Passage.
1871.				
July .. 27	Taeping .. ..	Foo-chow-foo .. ..	Nov. 15	111
June 24	Lahloo .. ..	Shanghai .. ..	Oct. 20	118
July 1	Forward Ho .. ..	Foo-chow-foo .. ..	.. 2	93
June 27	Titania .. ..	Shanghai .. ..	.. 16	111
Sept. 4	Undine .. ..	Shanghai .. ..	Dec. 26	113
June 22	Ariel .. ..	Shanghai .. ..	Oct. 6	106
Sept. 2	Thermopylæ .. ..	Shanghai .. ..	Dec. 21	110
1872.				
July 7	Cutty Sark .. ..	Shanghai .. ..	Nov. 6	122
May 25	Sir Lancelot .. ..	Foo-chow-foo .. ..	Nov. 6	122
June 24	Titania .. ..	Whampoa .. ..	Sept. 19	116
Dec. 4	Undine .. ..	Shanghai .. ..	Oct. 17	115
Aug. 3	Fiery Cross .. ..	Shanghai .. ..	April 2	119
June 18	Falcon .. ..	Whampoa .. ..	May 22	111
.. 17	Thermopylæ .. ..	Shanghai .. ..	Oct. 11	115
Aug. 8	Cutty Sark .. ..	Shanghai .. ..	Oct. 18	122
	Taitsing .. ..	Shanghai .. ..	Nov. 30	114
			Lost her Rudder.	

## APPENDIX No 9.

*Log of the Passages of the Sailing Ship 'Thermopylæ' from London to Melbourne, thence to Newcastle (N.S.W.), thence to Foo-chow-foo, and thence to London, 1868-69.*

## LONDON TO MELBOURNE.

Date.	Lat.	Long.	Distance.	REMARKS.
	N.	W.		
Nov. 5	..	..	..	5.30 P.M. at Gravesend.
" 6	..	..	..	
" 7	..	..	..	5 A.M. left Gravesend.
" 8	..	..	..	6 P.M. Lizard, N. 20 miles.
" 9	48.30	7.2	168	Var., moderate.
" 10	45.38	13.16	274	S.E., N.W., fresh.
" 11	43.13	15.38	213	Var., moderate.
" 12	41.11	19.24	194	S.S.E. Lost Peter Johnson over-board, ship hove-to for an hour, without success.
" 13	39.44	22.10	138	S.S.E. strong gales.
" 14	38.40	22.58	69	Var., moderate.
" 15	35.12	21.54	213	North-westerly, strong.
" 16	30.39	22.55	279	North-westerly, fresh.
" 17	29.9	23.43	99	N., S.E., moderate.
" 18	27.38	26.5	200	South-westerly, moderate.
" 19	26.45	24.12	112	South-westerly, light.
" 20	26.32	24.39	..	South-westerly, light.
" 21	25.14	24.32	68	Easterly, light.
" 22	21.39	26.5	228	E., fresh.
" 23	17.18	26.25	268	North-easterly, fresh.
" 24	13.18	25.32	250	E., fresh.
" 25	10.6	24.33	210	Easterly, moderate.
" 26	6.53	23.32	202	South-easterly, moderate.
" 27	4.27	24.3	140	South-easterly, heavy squalls.
" 28	1.23	25.50	228	South-easterly, moderate.
	S.			
" 29	2.13	29.0	271	South-easterly, fresh.
" 30	6.30	21.8	288	South-easterly, strong.
Dec. 1	11.22	31.28	293	Easterly, variable.
" 2	16.14	31.25	294	Easterly, strong.
" 3	20.24	30.26	256	Easterly, moderate.
" 4	23.0	29.0	176	Easterly, light.
" 5	24.32	27.39	118	Easterly, light.
" 6	25.53	27.8	81	Northerly, light.
" 7	27.22	26.28	96	Northerly, light.
" 8	29.4	25.10	123	Northerly, light.
" 9	32.24	22.35	240	North-westerly, fresh gale.
" 10	26.26	18.51	224	South-westerly, blowing a gale.
" 11	38.34	13.2	303	South-westerly, strong.
" 12	39.38	6.34	314	W.S.W., strong.

*Log of the Passages of the 'Thermopylae,' &c.—continued.*LONDON TO MELBOURNE—*continued.*

Date.	Lat.	Long.	Distance,	REMARKS.
	S.	E.		
Dec. 13	40·34	0·25	324	S.W., strong.
" 14	40 51	6·33	280	Var., moderate.
" 15	41·51	11·19	230	Northerly, fresh.
" 16	42·29	17·30	282	North-westerly, moderate.
" 17	43·6	23·41	278	North-westerly, strong.
" 18	43·9	28·29	211	North-easterly, fresh.
" 19	43·44	34·56	284	North-easterly, strong.
" 20	43·57	40·30	240	Northerly gale.
" 21	43·35	47·34	305	Northerly gale.
" 22	43·45	54·18	290	Northerly gale.
" 23	42·57	61·17	310	Northerly gale.
" 24	43·6	67·21	266	Northerly, strong.
" 25	42·57	74·26	312	Northerly, strong.
" 26	43·22	80·28	265	Northerly, fresh.
" 27	43·15	85·41	229	Northerly, fresh.
" 28	43·22	90·40	222	Easterly, fresh.
" 29	43·40	94·55	185	N.E., light.
" 30	43·11	102·11	320	S.W., gale.
" 31	43·4	106·43	200	N.N.W., moderate.
1870				
Jan. 1	43·10	111·54	228	N.N.W., moderate.
" 2	43·7	117·14	248	N.N.W., fresh.
" 3	42·7	124·36	330	Northerly, strong.
" 4	40·39	131·18	326	Northerly, strong.
" 5	39·48	136·14	225	South-westerly, moderate.
" 6	38·41	140·18	202	S.E., Percy Island.
" 7	..	..	..	Cape Otway, N. $\frac{1}{2}$ W., 12 miles.
" 8	..	..	..	Calm and light.
" 9	..	..	..	{ 7 P.M., came to anchor in Port Phillip Harbour.

## NEWCASTLE TO SHANGHAI.

Date.	Lat.	Long.	Distance.	REMARKS.
	S.	E.		
Feb. 10	7·30	A.M.	..	Left the harbour.
" 11	..	..	60	E.N.E. to S.E., calm.
" 12	32 46	156·3	152	N.E. and E., very unsteady.
" 13	32·13	158·26	125	{ N.E. and N., Passed Lord Howe's Island.
" 14	28·30	160·55	250	N., strong, squally.
" 15	23·32	162·16	300	N., clear.
" 16	19·47	161·58	230	N.W., clear.
" 17	15·36	162·11	251	N. $\frac{1}{2}$ E., heavy, squally.
" 18	13·31	163·24	145	N.N.E., thunder and lightning.



*Log of the Passages of the 'Thermopylae,' &c.—continued.*

## NEWCASTLE TO SHANGHAI—continued.

Date.	Lat.	Long.	Distance.	REMARKS.
	S.			
Feb. 19	12° 16'	163° 17'	75	N., heavy rain.
" 20	8° 35'	164° 0'	224	N., heavy rain and thunder.
" 21	4° 16'	165° 24'	262	N. and E., lightning.
" 22	1° 35'	166° 48'	180	N.N.E., heavy squalls.
" 23	0° 19'	166° 50'	75	{ N.W. by W. Off Pleasant Head, got quantity of jugs and cocoa-nuts.
	N.			
" 24	1° 14'	165° 5'	130	N.W.
" 25	3° 24'	162° 25'	200	N.W. $\frac{1}{2}$ W., squally.
" 26	6° 47'	159° 58'	250	N.W. by N., clear.
" 27	10° 28'	156° 35'	297	N.W. by W., fresh.
" 28	13° 28'	152° 4'	298	N.W. by W., fresh.
Mar. 1	15° 54'	148° 25'	256	N.W. by W., squally.
" 2	17° 14'	146° 2'	160	{ N.W. by W., passed between Faraltan and Guguants.
" 3	19° 56'	142° 35'	255	N.W. by W. $\frac{1}{2}$ W., squally.
" 4	21° 46'	139° 48'	200	N.W. by W. $\frac{1}{2}$ W., light.
" 5	22° 23'	138° 19'	82	N.W. by W., light.
" 6	23° 32'	136° 43'	110	N.W. by W., light and variable.
" 7	25° 23'	133° 34'	202	{ N.N.W., passed <i>Golden</i> , Sydney to Shanghai 59 days.
" 8	26° 57'	129° 26'	239	W.N.W., passed Fok Island.
" 9	29° 30'	126° 11'	230	{ W. by N., heavy squalls, thunder, and lightning.
" 10	31° 20'	124° 0'	200	{ W.N.W. Off Vido. Got pilot. Pas- sage pilot to pilot 28 days, quickest on record.
" 13	..	..	..	Shanghai. Thick and calm.

## FEO-CHOW TO LONDON.

Date.	Lat.	Long.	Distance.	REMARKS.
	N.	E.		
July 3	..	..	..	5 A.M., proceeded down in tow.
" 4	..	..	..	Pinnacle Island, W. by N.
" 5	..	..	..	3 P.M., passed Adams Point.
" 6	23° 6'	126° 32'	174	South-westerly, fresh.
" 7	23° 2'	126° 1'	48	Var., moderate.
" 8	21° 13'	123° 59'	157	South-easterly, squally.
" 9	19° 13'	120° 28'	233	South-easterly, fresh.
" 10	18° 36'	118° 37'	115	South-westerly, light.
" 11	18° 16'	116° 2'	148	South-easterly, fresh.
" 12	17° 37'	112° 38'	200	Southerly, fresh.
" 13	16° 43'	109° 49'	176	Southerly, fresh.
" 14	15° 43'	109° 5'	63	South-easterly, light.
" 15	14° 6'	110° 7'	114	South-westerly, light.
" 16	12° 37'	109° 29'	96	{ South-westerly, light, Cape Varela, 6 miles.

*Log of the Passages of the 'Thermopylæ,' &c.—continued.*

## FOO-CHOW TO LONDON—continued.

Date.	Lat.	Long.	Distance.	REMARKS.
	N.	E		
July 17	11·47	109·30	50	South-westerly, light.
„ 18	8·16	109·49	212	Westerly, strong and squally.
„ 19	5·9	109·21	191	South-westerly, strong and squally.
„ 20	4·16	109·17	53	South-westerly, moderate.
„ 21	3·28	109·22	48	South-westerly, light.
„ 22	2·40	109·54	58	South-westerly, light.
„ 23	2·6	..	..	Var., light.
„ 24	0·51	108·40	..	Boorang Island, E. by S., 10 m.
	S.			
„ 25	0·45	108·34	96	South-easterly, light.
„ 26	1·28	107·48	63	Var., light.
„ 27	3·15	..	..	Spoke <i>Achilles</i> , 10 days out from Foo-chow.
„ 28	..	..	..	6 A.M. Anger Light, S.S.W., 8 miles.
„ 29	7·54	101·56	223	South-easterly, fresh.
„ 30	9·22	97·21	284	South-easterly, squally.
„ 31	10·59	93·10	267	South-easterly, fresh.
Aug. 1	12·42	88·43	290	S.S.E., strong.
„ 2	14·31	83·28	318	E.S.E., strong.
„ 3	16·5	79·44	236	South-easterly, moderate. Spoke <i>Leander</i> .
„ 4	17·30	76·33	203	S.E. moderate, <i>Leander</i> , 10 miles.
„ 5	18·45	72·58	217	S.E., fresh, <i>Leander</i> , 14 miles.
„ 6	19·16	71 26	97	S.E., light.
„ 7	19·4	68·28	170	{ S.W. to S.E., heavy gale, and sea washed away head rail.
„ 8	21·11	63·53	249	S. by E., under topsails and courses.
„ 9	23·4	59·0	295	S. by E., strong.
„ 10	24·30	54·55	246	S. by E., all plain sail.
„ 11	26·9	51·23	216	{ S. by E., var., plain sail and port studding-sails.
„ 12	27·25	48·30	185	E.N.E., moderate.
„ 13	29·7	45·24	192	E., light.
„ 14	..	..	170	W.S.W., var.
„ 15	30·23	38·29	200	S., strong gale with squalls.
„ 16	31·20	35·0	198	E., light.
„ 17	34·20	33·35	110	{ S.E., steamer astern like <i>Achilles</i> ; sunset, breeze increasing, leaving her out of sight.
„ 18	34·2	29·39	270	N.N.E., fresh.
„ 19	35·6	24·0	240	{ S.W. by S., fresh, strong current to S.W.
„ 20	35·8	20·4	196	N.E., fog and calm at noon.
„ 21	34·45	18 10	100	{ W.S.W. increasing, rounded Cape of Good Hope, heavy sea.
„ 22	31·53	13·26	302	S., all plain sail set.
„ 23	29·9	9·29	262	{ S.S.E., all plain sail set and studding sails.

*Log of the Passages of the 'Thermopylae,' &c.—continued.*FOO-CHOW TO LONDON—*continued.*

Date.	Lat.	Long.	Distance.	REMARKS.
	S.	E.		
Aug. 24	26.14	5.19	284	S.E., all possible sail.
„ 25	23.13	1.50	264	S.E. by S., all possible sail.
„ 26	20.44	0.53	212	N.E., and backing to S.E.
		W.		
„ 27	19.9	2.49	146	S.E., light.
„ 28	17.29	4.58	158	S.E., light.
„ 29	15.36	7.33	187	S.E., light.
„ 30	13.19	10.5	201	S.E., light.
„ 31	11.16	12.16	190	S.E., light.
Sept. 1	9.6	14.8	164	S.E. by S., light.
„ 2	7.11	16.0	158	S.E. by S., light.
„ 3	5.9	18.2	172	S.E. by S., light.
„ 4	3.19	19.51	156	S.E. by S., light.
„ 5	1.10	21.46	172	S.E. by S., light, strong current to W.
	N.			
„ 6	0.55	23.4	146	S.E., light.
„ 7	2.57	25.4	174	S.E. by S., light.
„ 8	5.51	26.7	184	S.S.W., fresh.
„ 9	10.0	27.6	257	S.W., very squally.
„ 10	12.16	27.16	140	S., light var.
„ 11	13.10	27.0	60	N.N.E., var., squally.
„ 12	16.33	30.9	273	N.E., trade winds.
„ 13	20.5	32.58	270	N.E., trade winds.
„ 14	24.0	35.23	272	N.E. by E., trade winds.
„ 15	26.45	36.15	172	E. by N., light.
„ 16	27.39	36.18	54	E. by N., light and calm.
„ 17	28.0	36.23	21	E. by N., light and airy.
„ 18	28.56	36.5	58	S., light.
„ 19	30.18	35.45	52	S., light.
„ 20	32.37	35.5	144	S., light.
„ 21	33.45	34.18	85	W., light rain.
„ 22	36.4	34.4	140	W., light breeze.
„ 23	39.18	33.30	200	S.W., squally, rain.
„ 24	42.37	30.17	245	W., squally, heavy sea.
„ 25	44.10	26.16	200	W., light and variable.
„ 26	45.14	22.59	158	S.W. to N.W.
„ 27	46.8	18.34	200	W., bar falling rapidly.
„ 28	47.15	14.0	202	S.W., bar falling rapidly, very low.
„ 29	48.30	9.13	200	S.W., bar falling rapidly, very low.
„ 30	..	..	200	S. by E., noon Lizard, N., 8 miles.
Oct. 1	..	..	..	{ Beechy Head, E., 20 miles at noon, 5 P.M., Dungeness, got pilot.

## APPENDIX No. 10.

*Statistics of Tonnage belonging to Great Britain, United States, France, and Holland, from 1821 to 1874.*

Year.	BRITISH EMPIRE.				UNITED STATES.				FRANCE.		HOLLAND.		Year.
	Registered Vessels—Foreign Trade.		Enrolled Vessels—Coasting Trade.		Registered Vessels—Foreign Trade.		Enrolled Vessels—Coasting Trade.		Steam.	Total.	Steam.	Total.	
	Steam.	Total.	Steam.	Total.	Steam.	Total.	Steam.	Total.					
1821	..	Steam and Sailing. 2,560,203	..	Steam and Sailing. 619,896	..	Steam and Sailing. 612,712	..	Steam and Sailing. 634,619	..	..	..	..	1821
1822	..	2,519,044	..	628,150	..	634,619	..	634,035	..	..	..	..	1822
1823	..	2,506,760	..	639,921	..	634,035	..	657,642	..	..	..	..	1823
1824	..	2,559,587	..	669,973	..	657,642	..	657,899	..	..	..	..	1824
1825	..	2,553,682	..	700,787	..	657,899	..	730,172	..	..	..	..	1825
1826	..	2,635,644	..	737,978	..	730,172	..	806,986	..	..	..	..	1826
1827	..	2,460,500	..	747,170	..	806,986	..	862,171	..	..	..	..	1827
1828	..	2,518,191	..	812,619	..	862,171	..	588,357	..	..	..	..	1828
1829	..	2,517,000	..	650,143	..	588,357	..	591,447	..	..	..	..	1829
1830	..	2,531,819	..	576,475	..	591,447	..	620,017	..	..	..	..	1830
1831	..	2,581,904	..	620,452	..	620,017	..	723,689	..	..	..	..	1831
1832	..	2,618,068	..	686,990	..	723,689	..	825,196	..	..	..	..	1832
1833	..	2,634,577	..	750,027	..	825,196	..	869,382	..	..	..	..	1833
1834	..	2,716,100	..	857,438	..	869,382	..	906,612	..	..	..	..	1834
1835	..	2,783,761	..	805,822	..	906,612	..	952,527	..	..	..	..	1835
1836	..	2,792,646	..	897,775	..	952,527	..	1,051,011	..	..	..	..	1836
1837	..	2,791,018	..	810,447	..	1,051,011	..	696,978	..	..	..	..	1837
1838	82,716	2,890,601	2,791	822,592	190,632	1,133,999	190,632	679,863	9,693	..	..	..	1838
1839	86,731	3,068,433	5,149	834,245	199,789	1,221,902	199,789	673,308	9,810	..	..	..	1839
1840	95,807	3,311,538	4,155	899,765	198,184	1,240,860	198,184	682,500	9,535	..	..	..	1840
1841	104,845	3,512,480	746	945,803	174,342	1,147,913	174,342	590,262	10,183	..	..	..	1841
1842	118,930	3,619,850	4,701	975,359	224,960	1,084,669	224,960	589,517	9,757	..	..	..	1842



1843	121,455	3,588,387	5,373	1,009,305	231,494	1,115,028	9,536	599,707	..	..	3,672	396,124	1849
1844	125,675	3,637,231	6,909	1,068,765	265,270	1,173,538	9,293	604,637	..	..	3,692	421,506	1850
1845	131,202	3,714,061	6,492	1,095,172	319,527	1,282,344	9,390	611,492	..	..	3,950	448,864	1851
1846	134,784	3,817,112	6,287	1,130,287	341,606	1,399,290	10,921	638,359	..	..	4,452	479,202	1852
1847	156,557	3,952,524	5,631	1,241,313	399,210	1,554,252	12,567	670,260	..	..	5,061	579,016	1853
1848	168,078	4,052,160	16,038	1,360,887	411,823	1,747,632	13,152	688,298	..	..	5,868	551,854	1854
1849	177,310	4,144,115	20,870	1,438,942	441,525	1,848,235	13,391	680,565	..	..	10,428	593,384	1855
1850	187,631	4,232,962	44,942	1,585,711	481,005	1,899,555	13,925	688,153	..	..	13,302	621,102	1856
1851	204,654	4,332,085	62,390	1,726,307	521,217	1,992,333	19,460	704,036	..	..	13,768	621,306	1857
1852	227,306	4,424,362	79,704	1,899,448	563,536	2,183,226	22,171	721,384	..	..	14,340	611,350	1858
1853	261,336	4,764,422	90,520	2,103,674	574,098	2,242,622	26,399	762,415	..	..	13,746	588,772	1859
1854	326,484	5,115,846	95,036	2,333,819	581,571	2,411,135	35,098	819,762	..	..	13,012	572,434	1860
1855	408,290	5,250,553	115,045	2,535,136	655,240	2,615,731	45,093	872,156	..	..	12,636	554,244	1861
1856	453,966	5,531,887	86,873	2,463,968	618,911	2,438,370	71,979	998,996	..	..	13,994	539,844	1862
1857	488,415	5,609,623	78,027	2,499,742	651,363	2,502,086	66,587	982,571	..	..	15,862	538,676	1863
1858	472,764	5,660,402	92,747	2,507,402	676,004	2,586,967	65,006	985,235	..	..	16,184	540,084	1864
1859	500,144	5,710,968	97,296	2,546,237	770,641	2,752,938	68,025	998,519	..	..	20,694	540,164	1865
1860	561,023	5,895,369	102,608	2,642,628	774,596	2,839,399	73,267	983,996	..	..	22,194	535,192	1866
1861	597,932	6,041,358	113,998	2,291,251	596,465	2,772,005	78,981	982,571	..	..	22,568	528,196	1867
1862	657,026	6,624,403	133,215	2,026,114	439,755	3,076,193	84,918	985,235	..	..	26,394	528,578	1868
1863	769,398	7,103,261	106,519	1,581,894	853,816	3,352,471	97,884	998,519	..	..	36,644	521,098	1869
1864	902,052	7,322,604	98,008	1,602,583	969,131	3,454,093	108,328	1,008,084	..	..	46,370	522,368	1870
1865	952,318	7,297,984	198,289	1,492,926	885,023	2,778,537	127,777	1,042,811	..	..	..	..	1871
1866	977,292	7,232,671	198,115	1,568,032	993,765	2,695,368	133,158	1,048,679	..	..	..	..	1872
1867	1,033,247	7,236,916	221,939	1,565,732	977,476	2,733,167	135,259	1,058,548	..	..	..	..	1873
1868	1,202,134	7,185,430	213,252	1,566,422	890,316	2,526,093	142,942	1,074,656	..	..	..	..	1874
1869	1,411,803	7,149,134	192,544	1,516,800	882,551	2,677,940	154,415	1,072,396	..	..	..	..	1875
1870	1,411,803	7,142,891	180,914	1,425,142	906,723	2,805,274	160,478	1,077,611	..	..	..	..	1876
1871	1,640,639	7,213,829	177,666	1,410,648	933,887	2,971,309	177,462	1,089,075	..	..	..	..	1877
1872	1,825,738	7,294,230	173,423	1,423,288	963,020	3,215,915	185,165	1,068,031	..	..	..	..	1878
1873	1,987,235	7,533,492	..	..	..	..	194,546	1,037,272	..	..	..	..	1879

## APPENDIX, No. 11.

Table showing at what Ports Exemptions existed, &amp;c., in 1852, in favour of certain British Ships, &amp;c.

Name.	Persons, &c., exempt.	How exempt.	Amount of Tax.	When Exemption will expire.
Faversham .. ..	Vessels belonging to residents are exempt from anchorage duty levied by authority of the Lord of the Manor.	Favour of Lord of the Manor.	£ 19 0	May cease at any time at will of lord.
Chichester .. ..	Freemen, from one-half quay dues, levied by prescriptive right of the Corporation.	.. ..	136 0	Extinction of class of freemen.
Southampton .. ..	Vessels belonging to the port, from tonnage and other dues.	.. ..	4,350 0	
Cowes .. ..	Vessels registered at Cowes, from harbour dues.	.. ..	58 0	
Newport .. ..	Freemen of Newport, from dues .. ..	.. ..	230 0	Ditto.
Exeter .. ..	Freemen of Exeter, from town dues .. ..	Under Charter ..	716 0	
Teignmouth .. ..	Vessel belonging to the port, from anchorage dues.	.. ..	2 9	
Torquay .. ..	Ditto, pay annually 8 <i>d.</i> per ton, while others pay 4 <i>d.</i> each time.	.. ..	2,510 0	Completion of new harbour.
Plymouth .. ..	Cinque Ports vessels, from anchorage dues	Charters .. ..	282 0	
Brixham .. ..	Resident owners, from harbour dues .. ..	.. ..	648 0	
Totness .. ..	Freemen of Totness, from quay dues .. ..	.. ..	346 0	Extinction of class of freemen.

Fowey	..	..	Vessels belonging to Fowey and the Cinque Ports, from anchorage dues.	..	32	0
Falmouth	..	..	Vessels belonging to Falmouth, Truro, and Cinque Ports, from anchorage and flag money.	..	313	0
Penryn	..	..	Local vessels, from mastage dues.			
St. Michael's Mount	..	..	Fish belonging to inhabitants, from dues on goods.	..	157	0
Bideford	..	..	Barnstaple Corporation, from imports and tonnage duties.	..	97	0
Bristol	..	..	Freemen of Bristol, London, and Liverpool, from town dues on goods imported from foreign ports.	..	4,389	0 Ditto.
Swansea	..	..	Freemen of Swansea, from dues on certain goods.	Ancient customs	1,564	0 Ditto.
Cardmarthen	..	..	Freemen of Cardmarthen, from dues on certain goods.	Under the Municipal Acts.	76	0 Ditto.
Beaumaris	..	..	Burgesses of the old Corporation, from town dues.	..	350	0 Extinction of old Corporation, when the town dues will expire.
Liverpool	..	..	Freemen of Liverpool, London, Waterford, and Wexford, being inhabitant householders, from town and anchorage dues.	Ancient charters or customs.	144,100	0
Lancaster	..	..	Freemen of Lancaster, from anchorage dues	..	8	0
Newcastle	..	..	Freemen of London, Dover, Rye, Faversham, Folkestone, Sandwich, York, and Newcastle, are exempt from export dues.	By prescription	13,456	0* Extinction of class of freemen.

\* 810*l.* allowed to persons exempt.

## APPENDIX No. 11—continued.

Name.	Persons, &c., exempt.	How exempt.	Amount of tax.	When Exemption will expire.
Scarborough	Freemen of Scarborough, from water tolls ..	By prescription ..	£ 160 0	Extinction of class of freemen.
Kingston-on-Hull	Freemen of Hull, from anchorage .. ..	.. ..	2,494 0	Ditto.
Bridlington	Vessels belonging to persons resident in Bridlington, from mastage dues.	.. ..	2 12	
King's Lynn	Freemen of Lynn, from beacon .. ..	Charters and usage ..	1,961 0	Ditto.
Wells	Vessels belonging to Wells, from ballast dues.	.. ..	814 0	
Great Yarmouth	Freemen's vessels carrying coal .. ..	By prescription, confirmed by 5 Anne.	400 0*	
Colchester	Vessels belonging to Colchester, from anchorage and groundage dues.	.. ..	8 11	
SCOTLAND.				
Leith	Fish and oysters, from import dues .. ..	.. ..	42,176 0	
Fisherrow	Ditto .. ..	.. ..		
North Berwick	Burgesses from one-half shore dues .. ..	Act of Council .. ..		
Leven	Ships belonging to Leven, from one-half tonnage dues.	Authority of proprietor.	112 0	
Burntisland	Burgesses and freemen, from one-half shore dues.	.. ..	1,574 0	Ditto.
Dundee	Burgesses pay one-half shore placks .. ..	Charter .. ..	278 0	



St. Andrew's	..	..	Ditto, tonnage dues	..	..	..	..	320	0
Newport	..	..	Boats belonging to Newport, from shore dues	..	..	Will of Lord of the Manor.	..	10	0
Aberdeen	..	..	Vessels belonging to Aberdeen pay 9d. for ballast; other vessels 1s.	..	..	..	..	1,427	0
Portsoy	..	..	..	..	..	..	..	315	0
Cullen	..	..	..	..	..	..	..	226	0
Whitehills	..	..	Vessels belonging to places in Earl Seafield's interest pay one-half harbour dues .. ..	..	..	..	..	56	0
Blackpitts	..	..	..	..	..	..	..	82	0
Gardenstown	..	..	Vessels belonging to Gardenstown and Troup pay one-half shore dues.	..	..	Authority of Mr. Campbell.	..	105	0
Inverness	..	..	Local boats under five tons register .. ..	..	..	..	..	585	0
Glasgow	..	..	Vessels of burghesses of Dumbarton, from harbour dues.	..	..	21 and 22 Vict., c. 149, s. 108.	..	2,951	0
Port Glasgow	..	..	Burghesses of Dumbarton, for dues and works existing prior to 1864.	..	..	..	..		
IRELAND.									
Wicklow	..	..	Vessels belonging to Wicklow pay annually 4d. per ton; others pay 3d. per voyage.	..	..	..	..	130	0
Cork	..	..	Freemen of Cork, from Mayor's fees .. ..	..	..	..	..	317	0
Kinsale	..	..	Local vessels .. ..	..	..	Charter .. ..	..	40	0
Carlingford	..	..	..	..	..	Custom .. ..	..	128	0

\* Drawback allowed, 82l.

Extinction of class.

Ditto.

## APPENDIX No. 12.

*Lloyd's Register of British and Foreign Shipping.*

Although no records have been preserved—what a mass of knowledge must have been lost during the “dark ages”!—there can be no doubt that from the earliest period, at least during the plenitude of the Maritime Power of the Phœnicians, some means must have been adopted to show that a ship was seaworthy, and, as little doubt, that the relative qualities of ships, in this respect, were classified, and, if not recorded in any public documents, were, at least, well known to all persons interested in shipping. However much the world may have changed, human nature remains the same; and the merchants and Shipowners of ancient times must have desired, as they do now, to know if the vessel in which they embarked, or in which they shipped their goods, was fit to carry them safely: from this desire would, naturally, arise the competition of one Shipowner to have a better vessel than his neighbour, so that he might secure a preference. Nor can I suppose that this natural rivalry was confined, any more than than it is now, to the superiority in strength of hull, but was extended to equipment and speed. Indeed, that such was the case is established by the unquestioned records handed down to us of ancient vessels, including that in which St. Paul made his celebrated voyage of which I have given an account in the early portions of this work.

That the Italian Republics had some sort of classification for their vessels we may feel even more certain, although, unfortunately, throughout all time, no historians seem to have considered shipping worthy of their pen—how strange, considering the part it has played in the history of the world! for we find that they went so far as to stipulate by law that no vessel should be laden beyond a certain depth. It is, therefore, reasonable to conclude that they had means of ascertaining the relative qualities of vessels, and that records of these were kept and made public for the guidance of underwriters, whom we know then existed, and of all persons who required to entrust their lives or goods in them. It would, therefore, be absurd to deny the existence of institutions, till a very recent period, of some sort or another which had for their object the classification of ships, because no account of them has been written or preserved.

I dare say the Ancient Britons knew, among themselves, per-

fectly well which of their ships were built of seasoned oak, whether the planks were well put together, or fastened with tree-nails or copper bolts, and how they were caulked, fitted, and equipped. Nor is it at all unreasonable to suppose that some sort of record of all these facts was kept for their guidance. It would, indeed, be contrary to the instincts of human nature, where self-interest has always prevailed, if no such notes were taken and likewise recorded.

What particular form the earliest attempts at classification took must be left entirely to conjecture, the first traces of the existence of Register Books devoted specially to this purpose not appearing until about the middle of the last century. The oldest Register Books of which I have any knowledge are those preserved at Lloyd's Register of Shipping, White Lion Court, Cornhill, and although the series is far from complete, and probably can never be made complete, an examination of them is both interesting and instructive. The earliest book preserved there is dated 1764-5. In it the classes assigned were denoted by the letters A, E, I, O, and U, which seem as now to have applied to the state of the ship's hull, and the letters G, M, and B, appended, which applied to the equipment. These latter denoted—G, good; M, middling; and B, bad. Thus, A G denoted a first-class ship with a good equipment; and U B denoted a ship of the lowest class with a bad equipment.

The next book, in point of age, here, is dated 1768-9, and, instead of the capital letters A, E, I, O, U, denoting the class of the ship, as in the earlier book, the small letters a, b, c, appear, while the figures 1, 2 denoted the state of the equipment. Thus, a 1 denoted a first-class ship with a first-class equipment; b 2 denoted a second-class ship with a second-class equipment, &c.

The next Register Book in point of age, preserved, is dated 1775, and, in this book, the Roman capitals appear again for the hulls, while the figures 1 and 2 remain for the equipment. This, as far as I can learn, is the earliest book preserved containing the class A 1, which has become so familiar now, just a century from what appears to have been its first adoption.

On comparing the three books above mentioned, the curious fact is disclosed that the 1764 book does not belong to the same series as the 1768 and the 1775 books. The front cover and first pages of all three books are missing, but there is sufficient internal evidence to show clearly that the two later books form part of the series known as the 'Underwriters' Register,' which

gradually developed into or rather led up to the establishment of Lloyd's Register. The earliest of them is supposed to date from 1760; whether the 1764 book is a rival which started immediately after it, or belonged to a Register Society which existed previously to 1760, is not known, but the latter is perhaps most probable. Its existence might, it is thought, have debarred the new Register Book from using the Roman capitals, and it is no great stretch to suppose that the old book had ceased before 1775, and left its successor free to adopt the designation or class A 1.

The book dated 1764-5 furnished the following particulars: Ship's name, master and owner's name, ports of trading, tonnage, when and where built, number and kind of guns, and number of men and the class of the ship. In the book dated 1775, the load-draught of water was given, but not the number of men. The Register Book was at this latter date published annually, and the corrections from time to time were posted or stamped in the books by means of type as at present. In the earlier books the revisions during the year, or rather two years—for the books were then biennial—had to be inserted with pen and ink. The following particulars have been for the most part obtained by an examination of old Register Books, but they are necessarily incomplete, as many of the early volumes were lost when the Royal Exchange was burnt down in 1838.

In the book for 1778 a list of ships of the Royal Navy is inserted, also a list of the ships in the East India Company's service. General meetings used in those old days to be held by the subscribers (then termed members), of whom there were, at the end of 1780, 164. The subscription which at first was twelve guineas was eventually, about 1810, reduced to eight guineas, the funded property of the Register Society having reached 12,000*l*. For twenty years, afterwards, however, the expenses exceeded the income by 500*l*. per annum, and the subscription was, in consequence, raised to ten guineas. The particulars in the book for 1788, a copy of which is extant, were much as formerly; but a few curious additions had come to be inserted, such as whether the vessel had deep waists or low counters, and whether American property: and a record was made of the description of timber of which the ships were built, the number of decks, and if the beams were kneed. In 1798, the number of subscribers amounted to 245, and the number of members on the committee, who served gratuitously, was eleven. In that year's book the Government



ships are not inserted. In 1799, a number of Shipowners started an opposition book, termed the 'Red Book,' which continued until 1833. In 1824, it would appear that vessels supplied with iron cables did not receive the figure 1 or 2 unless they had hempen cables as well; and then, for the first time, the letters PIC were inserted against them, denoting that the iron cables had been proved. It does not appear by any of the early books we have examined that the class was given for any specified number of years, but it was omitted whenever the ship had not been surveyed within three years. It seems, however, to be an established fact that vessels were allowed to retain the A 1 character for a certain number of years, the number being entirely dependent on the port at which she was built, and varying from twelve years for a London built ship, to five to six years for a north country built ship. After those years had elapsed, the vessel became of the second class, and no amount of repairs or strengthening would enable her to be replaced as an A 1 ship. Here were two principles involved in classification obviously unsound. The first encouraged inferior building, and the second discouraged ships being efficiently repaired.

These and other mischievous tendencies were entirely removed when, in 1834, the two previously existing societies became united in the present 'Lloyd's Register of British and Foreign Shipping.'

The object sought in establishing the existing society was to class vessels according to their intrinsic merits, so as to indicate by the class, as nearly as might be, the efficiency and value of each vessel. The subscription to the Register Book was fixed at three guineas. Rules were published, and surveyors appointed to survey vessels while building, as well as afterwards. The committee of the new register was constituted, as it is at present, of merchants, Shipowners, and underwriters, elected in equal proportions. Eight underwriters and four merchants are elected by the Committee of Lloyd's, and eight Shipowners and four merchants are elected by the General Shipowners' Society. In addition to the foregoing, the chairman of Lloyd's and the chairman of the General Shipowners' Society are ex-officio members of the Committee.

The Committee of Lloyd's Register was, later on, still further augmented by the admission of eight members elected to represent the port of Liverpool, two to represent the Clyde, and three the north-east coast of England, one to represent Hull, and one Bristol.

The Register Book for 1834 included both classed and

unclassed ships, but the latter were allowed to gradually drop out, until the 'Register' contained almost exclusively classed ships. Few particulars at that time were given of the vessels beyond the tonnage (old), the date and place of build, the captain's and owner's names, and the port of registry.

The rules as first issued for the building of wood ships were brief and general, but slight reference being made to wood steamers, which were then few in number. The first iron vessels classed in the Register Book were the *Sirius*, of 180 tons, built at London in 1837, and the *Ironsides*, built at Liverpool in 1838; they had the A 1 class assigned without a term of years, and iron vessels were subsequently classed in the same way until 1854, when rules for their construction were framed, twelve A 1, nine A 1, and six A 1 classes, respectively, being assigned under those rules. In 1863 the mode of classing iron ships was altered to A 1, A 1, and A 1. Rules for the building of composite ships (iron frames planked with wood) were devised in 1867, and the vessels were classed A 1 for a term of years. In 1870 new rules for the construction of iron ships were framed, based on the dimensions of vessels instead of on tonnage as formerly, and the class of iron vessels was altered from the monogram system indicated above to 100 A 1, 90 A 1, and 80 A 1;<sup>1</sup>

<sup>1</sup> *Extracts from the Rules relating to the Classing and Periodical Surveys of Ships (1875).*

#### IRON STEAM AND SAILING SHIPS.

Iron Ships are classed A 1 with a numeral prefixed, and retain their characters so long as, on careful annual and periodical Special Surveys, they are to be found in a fit and efficient condition to carry dry and perishable cargoes to and from all parts of the world.

100 A, 90 A, and 80 A, will denote vessels that have been built in accordance with, or equal to, the Rules, and Tables G 1, G 2, G 3, and G 4. Where deviations from the Rules are desired, a sketch of the midship section, plans, &c., must be first submitted, through the resident Surveyor, for the Committee's approval, and the vessel built in accordance with the approved plans, under the Survey of the Surveyors to the Society.

Iron Ships built in accordance with previous Rules remain on the characters assigned to them.

All vessels must be submitted to occasional or *Annual Surveys* when practicable; and to entitle them to retain their characters in the 'Register Book,' Special Surveys must be held at intervals of three and four years, according to the Class assigned.

#### WOOD SHIPS.

SHIPS CLASSED A 1 for a term of Years.—Section 34 requires that they shall be occasionally surveyed; *Annually* if practicable. If not placed under *half-time* or *intermediate* Surveys within periods not exceeding four years—or, in the case of the higher classed vessels, one-half of the terms of years originally assigned to them—their Characters will be liable to be withdrawn from the 'Register Book.'

and this is the mode of classing now in force. But to go back a few years:—In 1841 another register society was constituted at Liverpool, which existed for four years, and was in 1845 amalgamated with ‘Lloyd’s Register.’ In 1863 Lloyd’s Register Book was enlarged, and the registered length, breadth, and depth of the ships were given in addition to other particulars. In 1870, its size was still further increased. The book in 1874 received great additions, and is about four times the size of that issued in 1834. It now contains all British ships classed and unclassed of 100 tons and above, in addition to many vessels of smaller size, and those of other nations which have obtained classification therein, or others of sufficient importance to be inserted. The rules for shipbuilding were in 1874 also carefully revised, and issued with the enlarged book.

The information it contains may now be said to be very complete, for few particulars are omitted which are likely to be required in the ordinary course of business. Steps have been taken to publish the rules in the principal European languages, and I learn that already translations into the French, German, and Italian languages have been completed, and are in the press.

From the current Register Book it will be seen that there are now nearly 3000 subscribers, and there are about 8000 vessels classed, in addition to those of which the class is temporarily suspended, pending repairs or survey, or for some other cause. At the present time nearly the whole of the shipbuilding in the

Sections 54 to 58 provide for the Continuation or Restoration of the Character A 1 for further periods.

SHIPS CLASSED A 1 *in Red*.—Section 60 provides for the Survey and Classing of Ships A 1 in Red, which is also a Class of vessels fit for the safe conveyance of dry and perishable goods *to and from all parts of the world*. They are allowed to retain this Character upon *Special Survey*, for terms in no case exceeding *two-thirds* the periods originally assigned to them.

They are also subject to Annual Survey, and to the half-time Survey prescribed in Section 34.

SHIPS CLASSED *Æ*, for the conveyance of dry and perishable goods on *shorter voyages*, and for the conveyance of cargoes *not* in their nature subject to sea damage *on any voyage*.

Section 61 requires that they should be submitted to *Annual Survey*, and to *Special Survey* within periods not exceeding *four years*.

SHIPS CLASSED E.—For the conveyance of cargoes not subject to sea damage *on any voyage*.

Section 65 requires that they should be submitted to *Annual Survey*, and to *Special Survey* within periods not exceeding *three years*.

Provision is made in the Rules for the Classification of Composite Ships; also of Foreign-built Ships constructed not in accordance with the Rules.

As all vessels are required to be surveyed periodically, the *date of Survey* is the criterion of their state of efficiency *at that time only*.



United Kingdom is under the survey of the Society's surveyors for classification in the Register Book. On the 31st of March, 1874, there were building, under special survey in various parts of the world, 655 vessels of a total tonnage of 543,918 tons to class at Lloyd's. On the 30th of June, 1874, the number of vessels building under special survey was 660, of a tonnage of 516,109 tons.

The vast amount of shipping, now being built to class in Lloyd's Register, is doubtless due chiefly to the confidence which the British shipping community repose in the Society's present rules for the building of vessels, and the manner in which they are administered.

In Italy, France, and the Netherlands there appears to be a manifest tendency towards classification in Lloyd's Register, and foreign Shipowners, and even large companies—such as the General Transatlantic Company—are submitting their vessels to this Society's survey for classification, thus placing them on an equality with ships belonging to this country.

During the recent agitation with respect to shipping in Canada, the Canadian Government communicated with the Committee of 'Lloyd's Register' on the project of instituting a Canadian registry, and the following extract from the letter of the Canadian Ministry, dated 11th July, 1873, is of interest as showing the high repute in which the Institution of which we are now writing is held in our North American Colonies:—

"The Minister of Marine<sup>1</sup> is not unmindful of the great benefits conferred on the shipping of this country by the establishment of Lloyd's surveyors at Quebec, New Brunswick, and Prince Edward Island some years previous to the establishment of surveyors for 'Bureau Veritas' in this country, and in making his arrangements for the establishment of a Canadian registry, and the framing of rules and regulations for inspection and classification under it, he feels desirous to assimilate the system under which it will be worked to that of your institution, which is controlled by British sentiment, and has the confidence of such a large portion of the shipowners of the world, and the officers of which possess such great experience in all these matters."

In judging of the value of 'Lloyd's Register of Shipping,' it is important to observe that it is, essentially, a public body,

<sup>1</sup> See Evidence before Royal Commission on Unseaworthy Ships. Question 11,135.



having no pecuniary or commercial purposes to serve beyond those of the public interest, because (with the exception of a moderate fee to the Committee for their attendance) the whole of its receipts are devoted to the interests of shipping, to the extension of the society's staff of surveyors, who are now stationed at all parts of the United Kingdom and in many places abroad, the improvement of the Register Book and other matters of public importance.<sup>1</sup>

It is impossible to speak too highly of the value of this great institution. It had its failings, and I recollect that, a quarter of a century ago, I made various attacks upon it through the public press; and, on the ground of its maintaining certain rules for classification, which I conceived were unsound in principle, I declined to classify any of my ships with the society. But all these rules have been long since altered; and when I look back to that time and compare the quality of ships then launched to those of the present day, it is impossible to question the great value of the services this institution has rendered to the country. A ship that would have had an A 1 class assigned to her forty years ago, would now be considered barely seaworthy.

Here we have another instance of the valuable work done in this country without Government aid or interference in any shape or form. A few individuals, for their own protection as well as for the protection of the public, associate themselves together, and, by their organisation, do perhaps more to save life and property at sea than all the laws which have been passed having that object in view. For the success of this valuable institution, its members, and I must add, the public, are greatly indebted to Mr. Thomas Chapman, F.R.S., who has been its chairman almost from its commencement in 1834, and who has devoted the best years of his life, sparing neither time nor labour to raise it to its present high position, while displaying a tact and sound judgment throughout in the management of its affairs rarely to be met with, combined with an honesty of purpose which must ever command respect and admiration. Nor

<sup>1</sup> *Statement of the Number of Exclusive and Non-Exclusive Surveyors to 'Lloyd's Register of British and Foreign Shipping.'*

Exclusive Surveyors in the United Kingdom .. .. .	47
Non-Exclusive Surveyors in the United Kingdom .. .. .	14
Engineer Surveyors in the United Kingdom .. .. .	7
Exclusive Surveyors in the Colonies and at Foreign Ports ..	6
Non-Exclusive Surveyors in the Colonies and at Foreign Ports	36
Engineer Surveyors stationed at Foreign Ports .. .. .	3

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Total number of Surveyors .. .. . 113

has he lacked able and indefatigable colleagues, some of whom, as, for instance, the late Mr. William Tindall and Mr. Duncan Dunbar, and now Mr. George Marshall, Mr. W. H. Tindall, and others, have been active members of the Committee for a large portion of their lives. But not the least important secret of its success has been its complete system of organisation, and the competency of all persons connected with it for their respective duties, while the many checks upon its various branches tend to keep the working of the business of the society free from those temptations to which men holding responsible appointments are too frequently subjected. For instance, there is a chief surveyor, who has two assistants acting directly under him, and through whom all important reports from the different surveyors must pass, before being laid before the Committee, many of whom know quite as much about ship-building as the surveyors themselves—then all these surveyors are under the secretary, Mr. B. Waymouth, a gentleman of great practical knowledge and remarkable ability. If there is anything wrong, he will be sure soon to detect it; for, during the twenty-one years with which he has been connected with the society, he has gone through the different grades, from assistant-surveyor to chief-surveyor, acting as chief of the staff for some time before receiving the appointment of secretary. There are also annual visits of inspection made to all the principal building ports by the chairman and members of the Committee, the secretary, and chief surveyor. Moreover, the surveyors are not all located permanently, some being from time to time changed, and a feeling pervades the whole staff that if any one passes imperfect workmanship or materials, the fact is likely to be brought to light by the surveyors who follow, who are bound to report any apparent laxity, which is invariably inquired into by the Committee, and dealt with as circumstances require.

That the survey and classification of ships has been of immense advantage in saving life and property at sea may be seen by the following table. Here we see, that the losses of vessels classed at Lloyd's have not, during the last three years, been one-half of the unclassified, and that for the eighteen months ending 30th January, 1875, while the percentage of loss of all vessels from all causes classed at Lloyd's has been only 5·25 per cent., the losses of vessels unclassified, or not classed by that association, has been 12·32 per cent. These figures speak volumes in favour of the society.

*Losses of British Ships of 100 tons and upwards during 1874-5.*

LOSSES FROM ALL CAUSES, WRECKED, STRANDED, FOUNDERED, MISSING.

YEAR.	Number of Ships in Existence.			Number of Ships Lost.			Percentage of Ships Lost.	
	Classed and Un-classed.	Classed, Lloyd's Register.	Unclassed, Lloyd's Register.	Classed and Un-classed.	Classed, Lloyd's Register.	Unclassed, Lloyd's Register.	Classed, Lloyd's Register.	Unclassed, Lloyd's Register.
1874 .. .. .	11,569	6115	5454	593	181	412	2·96	7·55
First half, 1875 .. .. .	11,362	5893	5469	396	135	261	2·29	4·77
Total for last 18 months ..	..	..	..	..	..	..	5·25	12·32

## LOSSES FROM FOUNDERING, MISSING, &amp;c., EXCLUDING STRANDING, COLLISIONS, &amp;c.

YEAR.	Number of Ships in Existence.			Number of Ships Lost.			Percentage of Ships Lost.	
	Classed and Un-classed.	Classed, Lloyd's Register.	Unclassed, Lloyd's Register.	Classed and Un-classed.	Classed, Lloyd's Register.	Unclassed, Lloyd's Register.	Classed, Lloyd's Register.	Unclassed, Lloyd's Register.
1874 .. .. .	11,569	6115	5454	281	103	178	1·68	3·26
First half, 1875 .. .. .	11,362	5893	5469	200	77	123	1·30	2·25
Total for last 18 months ..	..	..	..	..	..	..	2·98	5·51

YEAR.	All Losses, including Stranding, Collisions, Foundered, Missing, &c.			Losses from Foundering, Missing, &c., but not Stranding, Collisions, &c.		
	Classed and Unclassed.	Classed, Lloyd's Register.	Unclassed, Lloyd's Register.	Classed and Unclassed.	Classed, Lloyd's Register.	Unclassed, Lloyd's Register.
1872 .. .. .	863	262	601	198	70	128
1873 .. .. .	938	301	637	316	108	208
1874 .. .. .	1258	313	945	506	162	344
First half, 1875 .. .. .	1013	273	680	389	118	271

## APPENDIX No. 13.

*Acts of Parliament passed between 1849 and 1875 inclusive, relating to Merchant Ships and Seamen, with a note of the more important Parliamentary Papers issued in regard to the Navigation Laws or Mercantile Marine of Great Britain.*

- 1849. Emigrant Ships. Passenger Acts, 12 & 13 Vict. c. 33.
- „ Repeal of Navigation Laws, Foreign Trade, 12 & 13 Vict. c. 29.
- „ Pilotage, 12 & 13 Vict. c. 88.
- „ Mercantile Marine Act, 13 & 14 Vict. c. 93.
- 1851. Mercantile Marine Act Amendment Act, 14 & 15 Vict. c. 96.
- „ Steam Navigation Act, 14 & 15 Vict. c. 79.
- „ Seamen's Fund Winding-up, 14 & 15 Vict. c. 102.
- „ Wages, &c., of Deceased Seamen. Parl. Paper, 143, 1875.
- 1852. Passenger Acts, 14 & 15 Vict. c. 1.
- „ Foreign Deserters, 15 & 16 Vict. c. 26.
- 1853. (Emigrant Ships) Passengers Acts, 15 & 16 Vict. c. 44.
- „ Pilotage Laws Amendment Act, 16 & 17 Vict. c. 129.
- „ Merchant Shipping Act Amendment Act, 16 & 17 Vict. c. 131.
- „ Colonial Lighthouses.
- 1854. Commission on Local Charges on Shipping. Parl. Paper, C. 1836, 1854, C. 1911, and C. 1967, 1855.
- „ Repeal of Navigation Laws (Coasting Trade), 17 & 18 Vict. c. 5.
- „ Merchant Shipping Act, 1854, 17 & 18 Vict. c. 104.
- „ Ship Registry.
- „ Merchant Shipping Act, 17 & 18 Vict. c. 104. Tonnage.
- „ Wrecks. Wreck Register, Parl. Paper, C. 1260, 1875, p. 302.
- „ Liability. Legal Procedure. Seamen's Money Orders. Parl. Paper, 161, 1875.
- „ Meteorology.
- 1855. Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91.
- „ Emigrants, 18 & 19 Vict., Passenger Act, c. 119.
- „ Seamen Deserting Unseaworthy Ships. Parl. Paper, C. 853, 1875.
- 1856. Shipping Dues. Parl. Paper, 225, 1856.
- „ Seamen's Savings Banks, 19 & 20 Vict. c. 41. Parl. Paper, 161, 1875.
- 1857-8. Harbours of Refuge Committee. Parl. Paper, 344 and 344 I. 1858.
- 1859. Harbours of Refuge Commission. Parl. Paper, C. 2474, and C. 2506, Sess. 1, 1859.
- „ Commission on Manning the Navy. Naval Reserve; Training Ships. 22 & 23 Vict. c. 40.
- 1860. Anchors and Chain Cables. Parl. Paper, No. 182, 1860.
- „ Committee on Merchant Shipping.
- „ French Treaty. Parl. Paper, C. 2644, 1860.
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1867. Merchant Shipping Act, Health of Seamen, 30 & 31 Vict. c. 124.
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1868. Colonial Shipping, 31 & 32 Vict. c. 129.
- „ County Courts Admiralty Jurisdiction, 31 & 32 Vict. c. 71; 32 & 33 Vict. c. 51.
- „ Sea Fisheries, 32 & 33 Vict. c. 45.
- „ Merchant Shipping Consolidation Bill.
- „ Merchant Shipping (Colonial), 32 & 33 Vict. c. 11.
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1870. Compulsory Pilotages, No. 343, 1870.
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- „ Merchant Shipping Act, 34 & 35 Vict. C. 110. Unseaworthy ships.
- „ Chain Cables Act, 34 & 35 Vict. c. 101.
1872. Merchant Shipping Act, 35 & 36 Vict. c. 73.
1873. Commission on Unseaworthy Ships.
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1874. Chain Cables, 37 & 38 Vict. c. 5.
- „ Tonnage Bill. Parl. Paper, C. 943, 1874.
1875. Combustion in Coal-laden Ships. Royal Commission.
- „ Fog Signals at Lighthouses. Parl. Papers, 119, 1873; 188, 1874, and 224, 1875.
- „ Marine Insurance. Parl. Paper, No. 304, 1875.
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It would thus appear that, since the Navigation Laws were repealed in 1849, Government has passed no less than forty-one Acts of Parliament, and introduced seven Bills not yet passed, many of them great and important measures, besides laying before Parliament numerous instructive and interesting papers, all of them devoted expressly to the purpose of improving our merchant ships and the condition of our merchant seamen. It is idle, and worse than idle, after these facts, to charge the respective Governments, since 1849, with having neglected the interests of our mercantile marine, and the best answer to such mischievous and unjust charges is the present very high position in all respects of our merchant fleets as compared with those of all other nations.

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## APPENDIX No. 14.

*Tonnage of Shipping Entered and Cleared in the United Kingdom, United States, France, Holland, Norway, Prussia, and Sweden, distinguishing between National and Foreign Ships from 1850 to 1873. With Cargoes and in Ballast.*

Years.	UNITED KINGDOM.			UNITED STATES.			FRANCE.		HOLLAND.	
	British Tonnage.	Foreign Tonnage.	Total Tonnage.	United States Tonnage.	Foreign Tonnage.	Total Tonnage.	French Tonnage.	Foreign Tonnage.	Dutch Tonnage.	Total Tonnage.
1850	9,442,544 65.1 per cent.	5,062,520 34.9 per cent.	14,505,064	5,205,804 59.8 per cent.	3,503,837 40.2 per cent.	8,709,641	1,891,512 41 per cent.	2,719,207 59 per cent.	935,283 41.8 per cent.	2,236,435
1860	13,914,923 56.3 per cent.	10,774,369 43.7 per cent.	24,689,292	12,087,209 70.8 per cent.	4,977,916 29.2 per cent.	17,065,125	3,502,912 41.4 per cent.	4,953,824 58.6 per cent.	1,341,711 39.5 per cent.	3,394,980
1870	25,072,180 68.4 per cent.	11,568,002 31.6 per cent.	36,640,182	6,992,967 38.2 per cent.	11,332,095 61.8 per cent.	18,325,062	4,289,206 31.5 per cent.	9,317,531 68.5 per cent.	1,323,475 28.4 per cent.	4,664,923

Years.	NORWAY.		PRUSSIA.		SWEDEN.	
	Norwegian Tonnage.	Foreign Tonnage.	Prussian Tonnage.	Foreign Tonnage.	Swedish Tonnage.	Total Tonnage.
1850	1,050,307 75.2 per cent.	346,639 24.8 per cent.	1,026,378 49.1 per cent.	1,063,980 50.9 per cent.	462,884 43.4 per cent.	1,066,886
1860	1,513,369 74.5 per cent.	516,667 25.5 per cent.	1,711,442 51.9 per cent.	1,588,382 48.1 per cent.	560,066 40.3 per cent.	1,388,452
1870	2,264,233 70 per cent.	967,753 30 per cent.	2,893,214 46.7 per cent.	3,301,530 53.3 per cent.	1,374,433 31.8 per cent.	4,328,584





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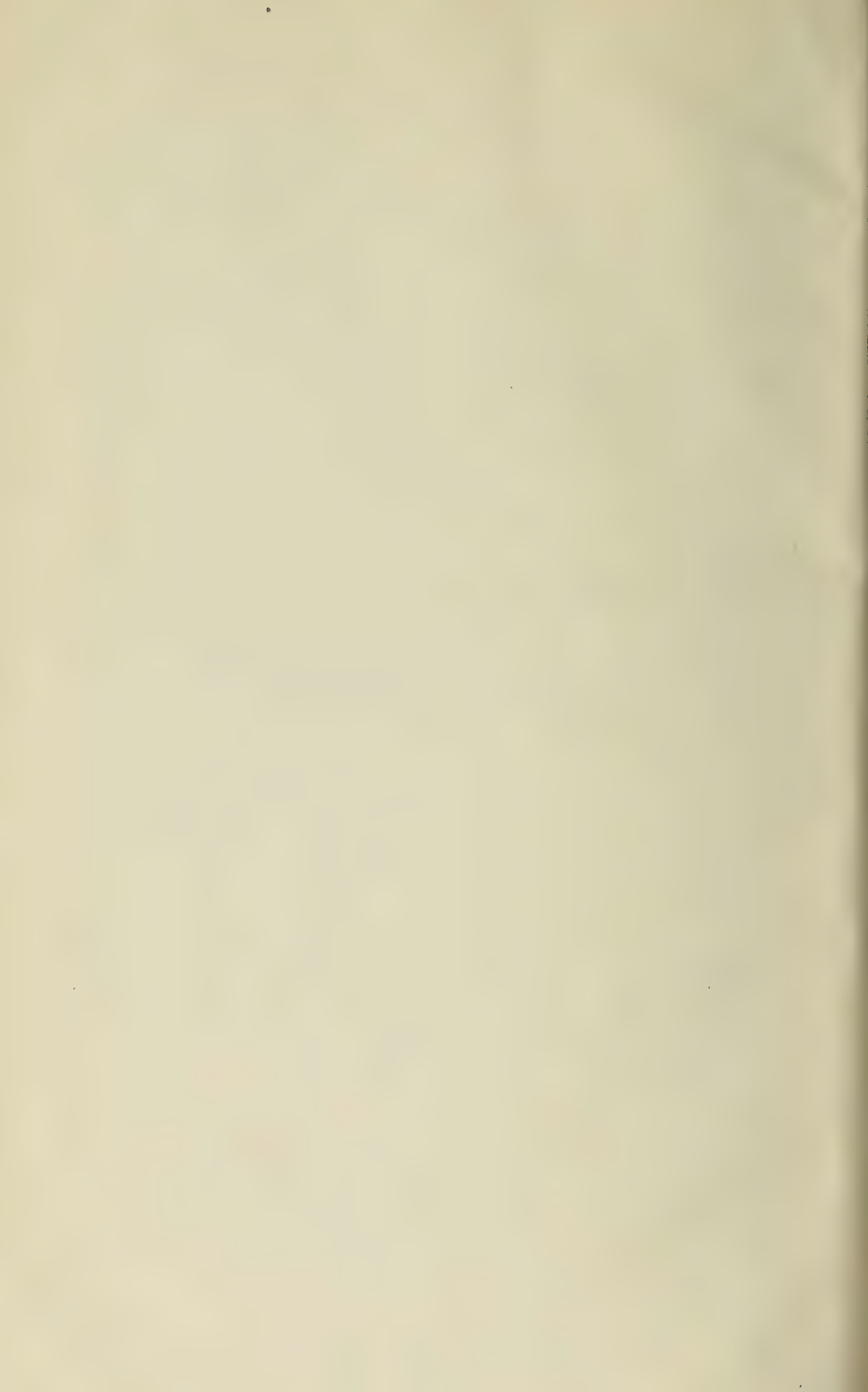
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